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ARCHIVES
OF THE
STATE OF NEW JERSEY.

FIRST SERIES.

Vol. VI.

This volume was compiled and edited by authority of the State of New Jersey; at the request of the New Jersey Historical Society, and under the direction of the following committee :

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DOCUMENTS

11

RELATING TO THE

COLONIAL HISTORY

OF THE

STATE OF NEW JERSEY,

EDITED BY

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Corresponding Secretary of the New Jersey Historical Society; Author of
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to the Early History of Perth Amboy and the Surround-
ing Country; Editor of the Papers of Lewis Mor-
ris, and of an Analytical Index to the
Colonial Documents of New
Jersey, etc., etc.

VOLUME VI.

ADMINISTRATIONS OF GOVERNOR LEWIS MORRIS, PRESIDENT
JOHN HAMILTON AND PRESIDENT JOHN READING.

1738-1747.

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C O N T E N T S .

| | PAGE. |
|--|-------|
| 1738—Jan. 25.—Letter from the Lords of Trade to the Duke of Newcastle—enclosing the Commission of Lewis Morris, as Governor of New Jersey..... | 2 |
| “ April 14.—Letter from the Lords of Trade to the King—enclosing instructions for Lewis Morris, as Governor of New Jersey..... | 13 |
| “ June 21.—Letter from William Wood to the Lords of Trade—relative to the issuing of paper money in the Plantations..... | 51 |
| “ ————.—A proposal for the extending and enlarging the trade and navigation of Great Britain, etc., by William Wood..... | 52 |
| “ Sept. 11.—Letters from Governor Lewis Morris to the Lords of Trade and the Duke of Newcastle—acknowledging the receipt of his Commission, etc..... | 56 |
| “ “ —.—Address to the King from the Council and General Assembly of New Jersey—thanking him for giving the Province a separate Governor from New York.... | 58 |
| 1739—May 10.—Letter from Governor Morris to Sir Charles Wager, First Lord Commissioner of the Treasury—relating to the affairs of New Jersey and New York..... | 60 |
| “ “ 30.—Letter from ex-Governor Hamilton to the Lords of Trade—complaining of certain proceedings of Governor Morris..... | 69 |
| “ June 4.—Letter from James Alexander to Peter Collinson—relating to his difficulties with Governor Cosby and President Clarke, of New York..... | 71 |
| “ “ 4.—Letter from James Alexander to Mr. Rodrigo Pacheco—enclosing the foregoing letter..... | 77 |
| 1740—March 27.—Reports from the Lords of Trade to the House of Lords—relating to the currency in America..... | 78 |

| | PAGE. |
|---|-------|
| 1740—March 27.—State of the paper currency in the British Plantations..... | 82 |
| “ April 29.—Report of Robert Dinwiddie to the Lords of Trade—on the value and trade of the British Empire in America..... | 83 |
| “ “ 30.—Arguments of Richard Partridge—relating to the currency in America..... | 91 |
| “ July 9.—Report to the Lords of Trade from the Committee of Council—with draft of an additional instruction to the Governors of Plantations in America..... | 94 |
| “ “ 31.—Letter from Mr. Carkesse, Secretary to the Commissioners of the Customs—relative to a glass-house in New Jersey..... | 98 |
| “ Aug. 31.—Letter from Governor Lewis Morris to the Duke of Newcastle—about the raising of troops in New Jersey..... | 99 |
| “ Oct. 18.—Letter from Governor Lewis Morris to the Duke of Newcastle—upon New Jersey affairs..... | 100 |
| “ “ 29.—Communication from Captain Thomlinson to Secretary Thomas Hill, of the Board of Trade—enclosing a scheme for putting the paper money in America upon a better footing..... | 111 |
| 1741—Jan. 3.—Proclamation of Governor Morris, relating to the currency of Foreign Coins in the Plantations..... | 117 |
| “ “ 21.—Report of the Lords of Trade to the House of Commons—relative to bills of credit in the Plantations.. | 122 |
| “ April 23.—Order in Council appointing Archibald Home, one of the Council of New Jersey..... | 127 |
| “ Aug. 13.—Communication from the Lords of Trade to the Lords Justices—relative to ensigns to be borne by ships having private commissions..... | 128 |
| “ “ 16.—Letter from Governor Morris to the Lords of Trade—about New Jersey affairs..... | 130 |
| “ Sept. 2.—Memorial of the Committees of the Proprietors of East and West Jersey to Governor Morris—relating to the line between New York and New Jersey..... | 138 |
| “ Nov. 4.—Representation of the Council and General Assembly of New Jersey to Governor Morris—relative to encouragement desired for the making of Iron in the Province..... | 140 |
| 1742—June 16.—Memorial of Rodrigo Pacheco and Richard Partridge, in behalf of the Proprietors of East Jersey to the Lords of Trade—asking for the confirmation of an act for regulating the purchasing of lands from the Indians..... | 142 |

PAGE.

| | | |
|----------------|---|-----|
| 1742—June | 28.—Address of the Eastern Council of Proprietors to Governor Lewis Morris—relative to the partition line between New York and New Jersey..... | 144 |
| 1743—Jan. | 25.—Affidavit of James Alexander—relative to the position of the North partition point between New Jersey and New York..... | 145 |
| “ March | 8.—Letter from Secretary Hill to Francis Fane—relative to two acts of the New Jersey Assembly..... | 150 |
| “ June | 9.—Letter from John Hamilton to the Lords of Trade—relative to the claim of Lewis Morris for salary, while striving to obtain the Presidency of New Jersey..... | 151 |
| “ Aug. | 23.—Letter from Samuel Gillibrand, Deputy Secretary of the Lords of Trade to John Hamilton—in answer to the foregoing letter..... | 153 |
| “ “ | —.—Instructions from John Hamilton and Andrew Johnston to John Lawrence for running the partition line between East and West Jersey..... | 154 |
| “ Oct. | 22.—Letter from Governor Lewis Morris of New Jersey to Governor George Clinton of New York..... | 162 |
| “ “ | —.—Petition of Abraham Vanaken and Juriam Westphale to the Governor and Council of New Jersey—relating to disturbances on the Northern boundary of the Province..... | |
| “ Nov. | 15.—Report of Chief Justice Robert H. Morris to the Board of Proprietors of East Jersey—concerning the Northern boundary..... | 168 |
| 1744—May | 15.—Letter from John Hamilton to the Lords of Trade acknowledging letter of Secretary Gillibrand of August 23, 1743..... | 172 |
| “ “ | 21.—Postscript to the New York Weekly Post-Boy—containing particulars of the excommunication of a Chief Justice in Pennsylvania..... | 173 |
| “ June to | 23.—Speeches of Governor Lewis Morris to the General Assembly, with the Assembly’s address, and Abstract of the proceedings on the Militia Bill..... | 178 |
| “ July Aug. | 3 of the proceedings on the Militia Bill..... 21.—Order in Council referring to the consideration of the Lords of Trade, a petition from the inhabitants of Elizabethtown, praying that the King would hear and determine their controversy with the Proprietors | 205 |
| “ Sept. | 7.—Memorial of the East Jersey Proprietors to Governor Morris—asking for the passage of an Act for running the dividing line from New York <i>ex parte</i> | 216 |
| 1745—Jan. | —Representation of the Council of New Jersey to Governor Morris—containing reasons for rejecting certain Acts, etc..... | 219 |

| | | PAGE. |
|---------------|---|-------|
| 1745—Feb. | 1.—Letter from Governor Morris to the Lords of Trade —recommendations for the Council..... | 232 |
| “ “ | 28.—Certificate of Governor Morris—concerning the Proprietors’ Surrender of the Government..... | 234 |
| “ June | 19.—Communication from the Lords of Trade to the Lords Justices, confirming Governor Morris’ recom- mendations for the Council of February 1..... | 237 |
| “ “ | 20.—Communication from the Lords of Trade to the Lords Justices—making further recommendations for the Council of New Jersey..... | 237 |
| “ Aug. | 15.—Representation from the Lords of Trade to the Lords Justices—proposing the repeal of the Act regulating fees..... | 238 |
| “ — | —.—Population in New Jersey in 1737–38 and in 1745.. | 242 |
| “ Nov. | —Lists of Rioters in Essex County..... | 245 |
| “ Oct. | 3–18.—Minutes of the House of Representatives of New Jersey..... | 246 |
| 1746 — | —.—“A Brief Vindication of the Purchasers against the Proprietors, in a Christian Manner”..... | 266 |
| “ Feb. | —.—Communication of the Rioters to the New York Post Boy—about the Riot at Newark..... | 292 |
| “ March | 25.—A publication of the East Jersey Proprietors—re- lating to the Riots..... | 297 |
| “ April | 26.—Speech of Samuel Nevill in the House of Assembly on the petition of inhabitants of the Northern part of the Province..... | 323 |
| “ — | —.—Petition to the House of Assembly by certain of the Rioters..... | 348 |
| “ May | —.—List of Rioters in Essex county..... | 351 |
| “ “ | 11.—Commission to Robert H. Morris, Lewis Johnston and Elisha Parker to run the line between East and West Jersey..... | 352 |
| “ June 4, 18, | 19.—Minutes of the Council of New Jersey..... | 367 |
| “ “ | 30.—Letter from the East Jersey Proprietors—to a Com- mittee of the subscribers to a proposal sent to the Governor..... | 353 |
| “ Aug. | 7.—Order in Council upon a petition of Richard Par- tridge, Agent for New Jersey—requesting that the King shall authorize the Governor to approve the bill providing for the issue of £40,000 in Bills of Credit..... | 361 |
| “ “ | 11.—Notice of Nathaniel Wheeler and others to the Proprietors of East Jersey—stating their willingness to appear in Court, etc., to test their rights..... | 365 |

| | PAGE. |
|---|-------|
| 1746—Aug. 13.—Proceedings of the Council of New Jersey—relative to the raising of troops, the erection of a Beacon on the Highlands of Neversink, etc | 371 |
| “ “ 29.—Letter from Elisha Parker, Attorney for the Proprietors of East Jersey, to the Committee making the proposals under date of August 11. | 392 |
| “ Sept. 27.—Minutes of the Council of New Jersey—relative to the embarkation of troops, etc..... | 376 |
| “ Sept. 27.—Letter from President John Hamilton to the Council of New York—relating to the destruction by fire of the Beacon on the Highlands of Neversink..... | 379 |
| “ Nov. 1.—Letter from Captain Joseph Espinoza to Governor Clinton, of New York—complaining of his imprisonment at Perth Amboy, on alleged infractions of the privileges of a flag of truce..... | 380 |
| “ — —.—Petition from Captain Joseph Espinoza to Governor Clinton—connected with the preceding charges | 381 |
| “ Dec. 23.—Affidavit of Elisha Parker—relative to legal proceedings of the Committee of the Rioters..... | 395 |
| “ “ 24.—State of the facts concerning the late Riots at Newark, and in other parts of New Jersey, from September 19th, 1745..... | 397 |
| “ “ —.—Letter from James Alexander and Robert Hunter Morris, of the New Jersey Council, to the Lords of Trade—giving an account of the condition of the Province..... | 419 |
| 1747—Feb. 17.—Letter from Ferdinand John Paris to James Alexander—about Governor Belcher's delay in obtaining his Commission..... | 422 |
| “ March 19.—Proceedings of the Council of New Jersey..... | 424 |
| “ April 22.—Letter from David Ogden to President Hamilton transmitting affidavits respecting the Riots..... | 426 |
| “ “ 29.—Representation of the Lords of Trade to the King respecting a petition of Richard Partridge to authorize the Governor of New Jersey to issue Bills of Credit..... | 433 |
| “ May 6 & 9.—Proceedings of the Council and message from President Hamilton to the House of Assembly of New Jersey, with their answer..... | 435 |
| “ May 6.—Letter from Governor Clinton, of New York, to Colonel Schuyler of the New Jersey forces—about the paying of his troops..... | 441 |
| “ “ 9.—Order of the Lords of the Committee of Council upon a petition of Jonathan Belcher, appointed Governor of New Jersey—relative to his salary..... | 443 |

| | | PAGE. |
|----------|--|-------|
| 1747—May | 10.—Letter from James Alexander and Robert H. Morris, of New Jersey, to the Lords of Trade, written at the request of President Hamilton..... | 446 |
| “ “ | 11.—Letter from President Hamilton to Colonel Peter Schuyler, commanding the New Jersey forces..... | 447 |
| “ “ | 19.—Order of the Lords of the Committee of Council, referring to the Lords of Trade, a petition of Jonathan Belcher, appointed Governor of New Jersey—for permission to be absent from his Government for two or three months, to visit New England..... | 449 |
| “ “ | 23.—Letter from Governor Clinton, of New York, to the Duke of New Castle—relating to the payment of troops..... | 451 |
| “ “ | 28.—Report of the Lords of Trade on the petition of Jonathan Belcher, submitted on the 19th of May.... | 453 |
| “ “ | —.—List of Rioters in Somerset and Middlesex Counties, New Jersey..... | 455 |
| “ June | —.—Judge Nevill's charge to the Grand Jury of Middlesex County, about the Riots..... | 456 |
| “ “ | 25.—Letter from John Reading, eldest Councillor of New Jersey, to the Lords of Trade—informing them of the death of President Hamilton, and that he had assumed the Government..... | 462 |
| “ July | 18.—Letter from John Deare to Chief Justice Morris, informing him of the Riot at Perth Amboy..... | 463 |
| “ “ | 20.—Affidavits relating to the Riot at Perth Amboy, July 17th.... | 465 |
| “ “ | 28.—Letter from Chief Justice Robert Hunter Morris to James Alexander—about New Jersey affairs..... | 471 |

NEW JERSEY
COLONIAL DOCUMENTS.

*From the Lords of Trade to the King, with Draft of
a Commission for Lewis Morris as Governor of
New Jersey.*

[From P. R. O. B. T. New Jersey, Vol. XIV, p. 400.]

TO THE KING'S MOST EXCELL^T MAJ^{TY}.

May it please your Majesty.

In Obedience to Your Majesty's Commands signified to Us by a Letter from his Grace the Duke of Newcastle dated the 13th Instant, We have prepared the Draught of a Commission for Lewis Morris Sen^r Esq^r to be Your Majesty's Governor of New Jersey in America, Which being in the usual Form, We herewith humbly lay the same before your Majesty, and shall prepare the necessary Instructions for him with all possible Dispatch.

Which is most humbly submitt'd

MONSON
T PELHAM
EDW^d ASHE
R. PLUMER
M. BLADEN

Whitehall 25. Jan'ry 1737-8

Draught of Commission of Lewis Morris Sen^r
Esq^r to be Gov^r of New Jersey.

GEORGE the second by the Grace of God, of Great Britain France and Ireland King, Defender of the Faith &c. To Our Trusty and Wellbelov'd Lewis Morris Senior Esq^r *Greeting.* Whereas We did by Our Letters Patents under Our Great Seal of Great Britain bearing Date at Westminster the day of 1737 in the Eleventh Year of Our Reign constitute and appoint Our Right Trusty and welbeloved John Lord Delawarr, Cap^t General & Governor in chief in and over Our Province of Nova Cæsarea or new Jersey viz^t The Division of East & West New Jersey in America for and during Our Will and Pleasure, as by the said recited Letters Patents, relation being thereunto had, may more fully and at large appear: Now know you that We have revok'd and determin'd and by these Presents do revoke and determine the said recited Letters Patents & every Clause Article and thing therein contain'd. And further know You that we reposing especial Trust and confidence, in the Prudence Courage and Loyalty of you the said Lewis Morris, of Our especial Grace certain knowledge and meer Motion have thought fit to constitute and appoint & by these presents do constitute & appoint you the said Lewis Morris to be our Captain Gen^l & Governor in chief in and over Our Province of Nova Cæsarea or New Jersey viz^t the Division of East & West New Jersey in America, which we have thought fitt to re-unite into One Province and settle under one entire Government.

And we do hereby require and command you to do and execute all things in due manner that shall belong unto your said Command and the Trust We have

reposed in you, according to the several powers and Directions granted or appointed you by this Present Commission and the Instructions and authorities herewith given you, or by such further Powers Instructions and Authorities as shall at any time hereafter be granted or appointed you under our Signet and sign Manual or by Our Order in our Privy Council and according to such reasonable Laws and Statutes as now are in force or hereafter shall be made and agreed upon by you with the Advice and consent of Our Council & the Assembly of Our said Province under your Government in such Manner and Form as is hereafter expressed.

And OUR WILL & PLEASURE is, that you the said Lewis Morris, after the Publication of these Our Letters Patents, do in the first Place take the Oaths appointed to be taken by an Act passed in the First Year of Our late Royall Father's Reign Entitl'd *An Act for the further Security of His Majesty's Person and Government, and the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants, And for Extinguishing the Hopes of the Pretended Prince of Wales & his open and secret Abettors:* As also that you make and subscribe the Declaration mention'd in the Act of Parliament made in the 25th Year of the Reign of King Charles the Second Entituled *an Act for preventing Dangers which may happen from Popish Recusants* and likewise that you take the usual Oath for the due Execution of the Office and Trust of Our Captain Genl & Governor in chief in and over our said Province of Nova Cæsarea or New Jersey as well with regard to the due and impartial Administration of Justice as otherwise, and further that you take the Oath required to be taken by Governors of Plantations to do their utmost that the several Laws relating to Trade and the Plantations be observ'd which said Oaths and Declaration Our Coun-

cil in Our said Province or any three of the Members thereof, have hereby full Power and Authority and are required to tender and administer unto you, and in your absence to Our Lieut^e Governor if there be any upon the Place all which being duly perform'd; You shall Administer to each of the Members of Our said Governor to Council as also to Our Lieu^t Governor if there administer the be any upon the Place the Oaths mentioned Oaths to Dep- in the said Act Entituled *An Act for the* [and] Council- *further Security of his Majesty's Person* lers *and Government and the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants & for extinguishing the hopes of the Pretended Prince of Wales and his open and Secret Abettors.* As Also to cause them to make & Subscribe the aforementioned Declaration and to Administer to them the Oath for the due Execution of their Places & Trusts

To Supreme And We do hereby give and grant unto [suspend?] you full Power and Authority to Suspend Councillors any of the Members of Our said Council, from sitting voting and Assisting therein if you shall find just cause for so doing.

To give ac- And if it shall at any time happen that by count of va- the Death departure out of Our said Prov- cancies in the Death departure out of Our said Province or Suspension of any of Our said Coun- Councils 3 cillors or otherwise there shall be a Vacancy whereof to be in Our said Council (any three whereof We a quorum. do hereby appoint to be a Quorum) OUR WILL & PLEASURE is that you Signify the same unto Us by the first Opportunity that We may under Our Signet and Sign Manual constitute and appoint others in their Stead.

To fill up va- But that Our Affairs may not suffer at cancies in that Distance for want of a due Number of Council when Councillors if ever it shall happen that there less than 7 on shall be less than Seven of them residing in the Island to Our said Province; We do hereby give and 7 only

grant unto you the said John Montgomery¹ full Power and Authority to chuse as many Persons out of the Principal Freeholders Inhabitants thereof as will make up the full Number of Our said Council to be Seven and no more which Persons so chosen & appointed by You shall be to all Intents and Purposes Councillors in Our said Province until either they shall be confirm'd by Us or that by the Nomination of others by Us under Our Sign Manual and Signet Our said Council shall have Seven or more Persons in it

To Call As- And we do hereby give & grant unto You
semblies full Power and Authority with the Advice and Consent of Our said Council from time to time as need shall require to Summon and call General Assemblies of the said Freeholders and Planters within your Government in manner and form as shall be directed in Our Instructions which shall be given You together with this Our Commission.

Assembly Men AND OUR WILL AND PLEASURE is that the
to take the Persons thereupon *duly Elected by the Major*
Oaths. *Part of the* Freeholders of the respective Counties and places and so returned shall before their Sitting *take the Oaths* mentioned in the said Act Entituled *An Act for the further Security of his Majestys Person and Government and the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants And for Extinguishing the Hopes of the Pretended Prince of Wales and his Open and Secret Abettors.* As also make and Subscribe the foremention'd Declaration which Oaths and Declaration You shall Commissionate fit Persons under Our Seal of Nova Cæsarea or New Jersey to tender and Administer unto them *and until the same shall be so taken and Subscribed no person shall be capable of*

¹ The Commission to Governor Montgomerie being taken for the model of the present one, it is to be presumed that his name was inadvertently used eleven times, as it is, in the Public Records instead of that of Governor Morris.—Ed.

Sitting tho' Elected And We do hereby declare that the Persons so Elected and qualified shall be called and deemed the General Assembly of that Our Province.

To pass Laws And You the said John Montgomery with the Consent of Our said Council and Assembly or a Major Part of them respectively shall have full Power and Authority to make constitute and ordain Laws Statutes and Ordinances for the Publick Peace Welfare and Good Government of Our said Province and of the People and Inhabitants thereof and such others as shall resort thereto and for the Benefit of Us Our Heirs and Successors which said Laws Statutes & Ordinances are not to be repugnant but as near as may be agreeable to the Laws and Statutes of this Our Kingdom of Great Britain Provided that all such Laws, Statutes and Ordinances of what Nature or duration soever be within three Months or sooner after the making thereof transmitted unto Us under Our Seal of Nova Cæsaria or New-Jersey for Our Approbation or disallowance of the same, As also Duplicates thereof by the next Conveyance.

Repealed
Laws to be
void.

And in Case any or all of the said Laws, Statutes and Ordinances (being not before confirm'd by Us) shall at any time be disallowed and not approved and so Signify'd by Us Our Heirs and Successors under Our or their Privy Council unto you the said John Montgomery or to the Commander in Chief of Our said Province for the time being then such and so many of the said Laws Statutes and Ordinances as shall be so disallowed & not approved shall from thenceforth cease determine and become utterly void and of none Effect anything to the contrary thereof notwithstanding.

Governor to
have a nega-
tive vote

And to the end that nothing may be passed or done by Our said Council or Assembly to the Prejudice of Us Our Heirs

& Successors We will and Ordain that You the said John Montgomery shall have and enjoy a Negative Voice in the making and passing of all Laws Statutes & Ordinances as aforesaid.

Power to ad- And you shall and may likewise from time
 journ &c As- to time as you shall Judge it necessary
 semblies
 adjourn prorogue and dissolve all General
 Assemblies as aforesaid

Our further Will and Pleasure is that you shall and
 To use the may use and heed the publick Seal of Our
 publick Seal. Province of Nova Cæsaria or New-Jersey
 for Sealing all things whatsoever that, pass the Great
 Seal of Our said Province under Your Government.

To Administer We do further give and grant unto you
 the Oaths to the said John Montgomery full Power and
 all persons he Authority from time to time and at any
 shall think fit time hereafter by your Self or by any other to be
 Authorized by you in that behalf to Administer and
 give the aforemention'd Oaths to all and every such
 Person or Persons as you shall think fit who shall at
 any time or times pass into Our said Province or shall
 be resident or abiding there

To Establish And we do further by these Presents give
 Courts of Ju- and grant unto you the said John Mont-
 dicature. gomery full Power & Authority with the
 Advice and Consent of Our said Council to erect con-
 stitute and establish such and so many Courts of Judi-
 cature and Publick Justice within Our said Province
 under your Government as you and they shall think
 fit and necessary for the hearing and determining of
 all Causes as well Criminal as Civil according to Law
 and Equity and for awarding of Execution thereupon
 with all reasonable & necessary Powers Authorities,
 Fees and Privileges belonging thereto As also to
 appoint and Commissionate fit Persons in the several
 parts of your Government to Administer the Oaths
 mentioned in the aforesaid Act Entituled *An Act for
 the further Security of his Majestys Person and Gov-*

ernment and the Succession of the Crown in the Heirs of the Princess Sophia being Protestants and for Extinguishing the hopes of the pretended Prince of Wales and his Open and Secret Abettors As also to tender and Administer the aforesaid Declaration unto such Persons belonging to the said Courts as shall be obliged to take the same.

To appoint Judges Justices of Peace &c
And We do hereby Authorize and Impower You to constitute and appoint Judges (and in Cases requisite) Commiss^{rs} of Oyer and Terminer Justices of the Peace and other necessary Officers and Ministers in Our said Province for the better Administration of Justice and putting the Laws in Execution and to Administer or cause to be Administred unto them such Oath or Oaths as are usually given for the due Execution and performance of Offices and Places and for the clearing of Truth in Judicial Causes

May pardon or Reprieve
And We do hereby give and grant unto you full Power and Authority where you shall see Cause or shall Judge any Offender or Offenders in Criminal Matters or for any Fines or Forfeitures due unto Us fit Objects of Our Mercy to pardon all such Offenders and to remit all such Offences Fines and Forfeitures, Treason and Willful Murder alone excepted in which Cases you shall likewise have Power upon extraordinary Occasions to grant Reprieves to the Offenders until and to the Intent Our Royal Pleasure may be known therein.

To Collate Parsons to Benefices
We do by these Presents Authorize and Impower you to Collate any Person or Persons to any Churches Chappels or other Ecclesiastical Benefices within Our said Province as any of them shall happen to be void.

To Arm & Muster the Inhabitants
And We do hereby give and grant unto you the said John Montgomery by your Self or by your Cap^t & Commanders by you to be Authorized full Power and Authority to Levy Arm

Muster Command and Employ all persons whatsoever residing within Our said Province of Nova Cæsaria or New Jersey under your Government and as Occasion shall serve to March from one Place to another or to embark them for the resisting and withstanding of all Enemies Pirates Rebels both at Sea and Land and to Transport such Forces to any of Our Plantations in America (if necessity shall require for the Defence of the same against the Invasion or Attempts of any of Our Enemies and such Enemies Pirates and Rebels, if

To pursue Enemies there shall be Occasion to pursue & prosecute in or out of the Limits of Our said Province and Plantations or any of them and if it shall so please God them to vanquish apprehend and take and being taken either according to Law to put to Death or keep and preserve alive at your Discretion and to Execute Martial Law in time of Invasion or other times when by Law it may be Executed and to do and Execute all and every other thing and things which to Our Cap^t General and Gov^r in Chief doth or ought of Right to belong.

To Build Castles, Forts, Cities, &c And We do hereby give and grant unto you full power and Authority by and with the Advice and Consent of Our said Council to erect raise and build in Our said Province of Nova Cæsaria or New Jersey such and so many Forts and Plat Forms Castles Cities Boroughs Towns and Fortifications as you by the Advice aforesaid shall Judge necessary, and the same or any of them to Fortify and Furnish with Ordnance Ammunition and all Sorts of Armes fit and necessary for the Security and Defence of Our said Province and by the Advice aforesaid the same again or any of them to Demolish or Dis-mantle as may be most Convenient.

To appoint Cap^tns and other Officers for Sea Service And forasmuch as divers Mutinies and Disorders may happen by Persons Shipped and Employ'd at Sea during the time of War and to the end that such as shall be

Shipped or Employ'd at Sea during the time of War may be better Governed and Order'd We do hereby give and grant unto you the said John Montgomery full Power and Authority to constitute and appoint Cap^{ts} Lieu^{ts} Masters of Ships and other Commanders and Officers Commissions to Execute the Law Martial according to the Directions of An Act pass'd in the 13th Year of the Reign of King Charles the Second Entituled An Act for the Establishing Articles and Orders for the Regulating & better Government of his Majesties Navies Ships of War and Forces by Sea during the time of War &c. to use such proceedings Authorities Punishments Corrections and Executions upon any Offender or Offenders who shall be Mutinous Seditious Disorderly or any way unruly either at Sea or during the time of their Abode or Residence in any of the Ports Harbours or Bays of Our said Province as the Cause shall be found to require according to Martial Law and the said Directions during the time of War as aforesaid.

Provided that nothing herein contained shall be construed to the enabling You or any by your Authority to hold Plea or have any Jurisdiction of any Offence Cause Matter or Thing committed or done upon the High Sea or without of the Havens Rivers or Creeks of Our said Province under your Government by any Cap^t Commander Lieu^t Master Officer Seaman Soldeer or other Person whatsoever who shall be in Actual Service and pay in or on Board any of Our Ships of War or other Vessels acting by Immediate Commission or Warrant from Our Commiss^{rs} for Executing the Office of Our High Admiral or from Our High Admiral of Great Britain for the time being under the Seal of Our Admiralty But that such Cap^t Commander Lieutenant Master Officer Seaman Soldier or other Person whatsoever who shall be

Not to take
cognizance of
anything done
by Persons
Employed in
Ships of War
on the High
Sens.

in Actual Service and pay in or on Board any of Our Subjects War or other Vessels acting by Immediate Commission or Warrant from Our Commiss^{rs} for Executing the Office of Our High Admiral or from Our High Admiral of Great Britain for the time being under the Seal of Our Admiralty But that such Cap^t Commander Lieu^t Master, Officer, Seaman Soldier or other Person so Offending shall be left to be proceeded against and try'd as their Offences shall require either by Commission under Our Great Seal of Great Britain as the Statute of the 28th of Henry the Eighth Directs or by Commission from Our said Commiss^{rs} for Executing the Office of Our High Admiral of Great Britain for the time being according to the aforementioned Act for the Establishing Articles and Orders for the regulating and better Government of His Majestys Navies Ships of War and Forces by Sea and not otherwise.

But what is done on Shore by such Persons he may Try
 Provided Nevertheless that all disorders and Misdemeanours committed on Shore by any Cap^t Commander Lieu^t Master Officer Seaman Soldier or other Person whatsoever belonging to any of Our Ships of War or other Vessels acting by immediate Commission or Warrant from Our said Commiss^{rs} for Executing the Office of Our High Admiral or from Our High Admiral of Great Britain for the time being under the Seal of Our Admiralty may be tryed and punished according to the Laws of the Place where any such Disorders Offences and Misdemeanors shall be committed on Shore notwithstanding such Offender be in Our Actual Service and Born in Our Pay on Board any such Our Ships of War or other Vessels Acting by Immediate Commission or Warrant from Our said Commiss^{rs} for Executing the Office of Our High Admiral or Our High Admiral of Great Britain for the time being as aforesaid so as he shall not receive any Protection for the

Avoiding of Justice for such Offences committed on Shore from any pretence of his being Employed in Our Service at Sea.

Our further Will and Pleasure is that all publick Mony raised or which shall be raised by any Act hereafter to be made within our said Province be issued out by Warrant from You by and with the Advice and Consent of Our Council and disposed of by You for the Support of the Government and not otherwise.

And We do hereby give you the said John Montgomery full Power and Authority to order and appoint Fairs, Marts and Markets as also such and so many Ports, Harbours Bays Havens and other Places for the Convenience and Security of Shipping and for the better Loading and unloading of Goods and Merchandise as by you with the Advice and Consent of Our said Council shall be thought fit and necessary.

And We do hereby require and Command all Officers and Ministers Civil & Military and all other Inhabitants of our said Province to be obedient aiding and assisting unto You the said John Montgomery in the Execution of this Our Commission and of the Powers and Authorities herein contained And in case of your Death or Absence out of Our said Province to be obedient aiding and Assisting unto such Person as shall be appointed by Us to be Our Lieu^t Gov^r or Commander in Chief of Our said Province to whom We do therefore by these Presents give and grant all and Singular the Powers and Authorities herein granted to be by him executed and enjoyed during Our Pleasure or until your Arrival within Our said Province.

And if upon your Death or Absence out of Our said Province there be no Person upon the Place Commissionated or Appointed by Us to be Our Lieu^t Governor or Commander

in Chief of the said Province, Our Will and Pleasure is that the Eldest Councillor whose name is first placed in Our said Instructions to you and who shall be at the time of your Death or Absence residing within Our said Province of New Jersey shall take upon him the Administration of the Government and Execute Our said Commission and Instructions and the several Powers and Authorities therein contained in the same manner and to all Intents & Purposes as other Our Governor or Commander in Chief of Our said Province should or ought to do in Case of Your Absence until you return or in all Cases until Our further Pleasure be known therein

To Execute And We do hereby Declare, Ordain and these powers Appoint that you the said John Montgomery during the shall and may hold execute and enjoy the Kings Pleas- Office and Place of Our Cap^t General and ure Governor in Chief in and over Our Province of Nova Cæsaria or New-Jersey together will all and Singular the Powers and Authorities hereby granted unto You for and during Our Will and Pleasure.

IN WITNESS whereof We have Caused these Our Letters to be made Patents Witness Our Self at Westminster the Day 1737 In the first Year of Our Reign

From the Lords of Trade to the King—with a draft of the Instructions to Lewis Morris as Governor of New Jersey.

[From P. R. O. B. T. New Jersey, Vol. XIV, p. 408.]

TO THE KINGS MOST EXCELL^T MAJESTY

May it please your Majesty

In Obedience to your Maj^{ty}'s Commands signified to Us by his Grace the Duke of Newcastle, One of your

Majesty's Principal Secretaries of State in his Letter of the 18th Day of January last, We have prepared the the inclosed Draught of general Instructions, and of those which relate to the Acts of Trade & Navigation for Lewis Morris Sen^r Esq^r whom your Majesty has been pleased to appoint Governor & Commander in chief of New Jersey in which We have made no Alterations or Omissions from the Instructions which your Majesty has already approved to your other Governors in America, and to your Majestys late Governor of New York & New Jersey Col^o Cosby except in the following Articles.

In the first Article We have inserted, as usual, the Names of twelve Councillors viz^t John Hamilton, John Wells, John Reading Cornelius Van Horn, William Provost, John Schuyler, Thomas Farmer, John Rodman, Richard Smith, Robert Lettice Hooper, Robert Hunter Morris, and Fenwick Lyell Esq^{rs} of this Number, the first five are at present actually in the Exercise of that Function, the remaining seven are recommended to Us, as Persons well qualified to serve your Majesty in that Station.

At the same time we take Leave to inform your Majesty that We have omitted the Name of James Alexander who stands upon the old List of Councillors, because We have been inform'd he is a Person not proper to serve in that Station, and represented the same to your Majesty in Our Report of the 28th August 1735.

We have omitted the 28th Article for laying as high Duties on all goods imported in or exported from New Jersey as from New York, it being contrary to the general Tenor of your Majesty's Instructions to all your other Governors in America, to lay any Duties on British Goods or Shipping.

We have omitted the Words New York in the 31st Article, relating to the provision for the Lieut^t Gov^t in the Absence of the Governor, as likewise the Proviso

at the End of it, which relates to the Governors going into Connecticut to regulate the Militia When both New York & New Jersey were under One Governor, this might be necessary but not at present.

We have omitted the 57th Article relating to the Affirmation of Quakers that being provided for by an Act pass'd in this province in 1727-8

We have likewise omitted the 91st Article relating to the Tryal of Pyrates M^r Morris not being as yet appointed a Commiss^r for that purpose.

All which is most humbly submitted

MONSON

M. BLADEN

Whitehall April the 14th 1738.

JA. BRUDENELL

R. PLUMER

R. HERBERT.

Instructions to our Trusty and Welbeloved Lewis Morris Esq^r Our Captⁿ General and Governor in chief in and over Our Province of Nova Cæsarea or New Jersey in America Given at .

First With these Our Intructions you will receive Our Commissⁿ under Our Great Seal of Great Britain, constituting you Our Captⁿ General & Governor in chief in & over Our Province of New Jersey, You are therefore with all convenient speed to repair to Our said Province and being there arrived you are to take upon you the Execution of the Place and Trust We have reposed in you and forthwith to call together the following persons, whom We do by these Presents constitute & appoint members of Our Council in and for that Province viz^t John Hamilton John Wells, John

Councillors

Reading, Cornelius Van Horn William Provost, John Schuyler, Thomas Farmer John

Rodman, Richard Smith, Robert Lettice Hooper, Robert Hunter Morris, and Fenwick Lyell Esq^{rs} As also John Peagram Esq^r Surveyor Gen^l of Our Customs and the Surveyor Gen^l of Our Customs in the

Northern District of Our Dominions in America, for the time being shall be admitted to sit and vote in the Council as a Councillor Extraordinary.

^{2^{dly}} And you are with all due Solemnity Commission to be published to cause Our said Commission to be read and published at the said Meeting of Our Council which being done you shall then take, and also administer to each of the Members of Our said Council the Oaths mention'd in an Act pass'd in the 1st Year of his late Majesty's Our Royal Fathers Reign Entituled *an Act for the further Security of his Majesty's Person and Government, and Succession of the Crown in the Heirs of the late Princess Sophia being Protestants and for extinguishing the Hopes of the pretended Prince of Wales and his open and secret Abettors*, as also make and subscribe and cause the Members of Our said Council to make and subscribe the Declaration mentioned in an Act of Parliament made in the 25th Year of the Reign of King Charles the 2^d entituled *An Act for preventing Dangers which may happen from Popish Recusants* and you and every of them are likewise to take an Oath for the due Execution of your and their Places & Trusts, with regard to your and their equal and impartial Administration of Justice, and you are also to take the Oath required to be taken by Governors of Plantations to do their Utmost that the Laws relating to the Plantations be observed.

³ You are forthwith to communicate unto Our said Council, such and so many of these Our Instructions, wherein their Advice & Consent are required, as likewise all such others from time to time as you shall find convenient for Our Service to be imparted to them.

⁴ You are to permit the Members of Our said Council to have and enjoy Freedom of debate and Vote in all Affairs of publick Concern that may be debated in Council.

5 And altho' by our Commissⁿ aforesaid We have thought fit to direct that any three of Our Councillors
 Quorum make a Quorum it is never-theless Our Will
 & Pleasure that you do not act with a Quorum of less than five Members, unless upon Extraordinary Emergencies, when a greater Number cannot be conveniently had.

6 And that We may be always informed of the Names and Characters of Persons fit to supply the Vacancies that shall happen in Our said Council you are to transmit unto Us by one of Our principal Secretaries of State and, to Our Com^{rs} for Trade & Plantations with all convenient speed, the Names & Characters of six Persons Inhabitants of the Eastern Division, and six other persons inhabitants of the
 Recommendation of Councillors. Western Division of Our said Province, whom you shall esteem the best qualified for that Trust, and so from time to time, when any of them shall dye, depart out of Our said Province, be sworn into Our said Council or become unfit, you are to nominate unto Us so many others in their stead. that a List of twelve Persons fit to supply the said Vacancies viz^t six of the East & six of the West division as aforesaid, may be always compleat.

7 And whereas by Our Commission you are impow-
 er'd in case of the Death or Absence of any of Our Council of the said Province to fill up the Vacancies in
 Our said Council to the number of Seven
 Vacancies to be Supplied by Gov^r and no more, you are from time to time to send to Us as aforesaid, and to Our Com-
 miss^{rs} for Trade and Plantations the Name or Names and qualities of any member or members, by you put into Our said Council by the first conveniency after your so doing.

8 And in the choice & Nomination of the Members
 of Our said Council, as also of the Chief
 Qualification of Officers. Officers, Judges, Assistants, Justices and

Sheriffs, you are always to take care that they be men of good Life and well affected to Our Government, of good Estates & Abilities & not necessitious People.

9 You are neither to augment nor diminish the Number of Our said Council, as it is already established, nor to suspend any of the members thereof without Good and sufficient Cause, nor without the Consent of the Majority of the said Council, and in case of Suspension of any of them, you are to cause your Reasons for so doing, together with the Charges and proofs agst the said Persons and their Answers thereunto, to be duely entered upon the Council Books, and forthwith to transmit Copies thereof to Us as aforesaid, and to Our Commissioners for Trade & Plantations, Nevertheless if it should happen that you should have Reasons for suspending any Councillor not fit to be communicated to the Council, you may in that case suspend such Person without their Consent, but you are thereupon immediately to send to Us, by one of Our Principal Secretaries of State, and to Our Commiss^{rs} for Trade & Plantations, an Account thereof, with your Reasons for such Suspension, as also for not communicating the same to the Council, & Duplicates thereof by the next Opportunity.

10 You are likewise to signify our Pleasure unto the Members of Our said Council that if any of them shall hereafter absent themselves from Our said Province, and continue absent above the space of Twelve months together, without Leave from you or from Our Governor or Commander in chief of the said Province for the time being, first obtain'd under your or his Hand and Seal or shall remain absent for the space of two years successively without Our Leave given them, under Our Royal Sign Manual, their Place or Places in Our said Council shall immediately thereupon become void, and that we will forthwith appoint others in their Stead.

11 And whereas we are sensible that effectual Care ought to be taken to oblige the Members of Our Council to a due Attendance therein, in order to prevent the many inconveniences that may happen for want of a Quorum of the Council to transact Business as Occasion may require.

It is Our *Will & Pleasure*, that if any of the Mem-
 Councillors
 attendance bers of Our said Council residing in the Province, shall hereafter willfully absent themselves from the Council Board, when duly summon'd, without a just & lawfull Cause, and shall persist therein after admonition, you suspend the said Councillors so absenting themselves, till Our further Pleasure be known, giving us timely notice thereof, And we hereby will & require you, that this Our Pleasure be signified to the sev^l Members of Our Council aforesaid, and that it be entred in the Council Books of Our said Province as a standing Rule.

12. And *Our Will & Pleasure* is that with all convenient speed you call together one Gen^l Assembly for the enacting of Laws for the joint and mutual Good
 Meeting of the
 Assembly of the whole Province. That the first meeting of the said gen^l Assembly be at Perth Amboy in East New Jersey. in case the last was at Burlington, and that all future Gen^l Assemblies do meet and sitt at one or the other of those Places alternately or otherwise, as you, with the advice of Our foresaid, Council, shall think fitt in case of extraordinary necessity, to appoint them.

13. *Our Will & Pleasure* is and you are accordingly to make the same known in the most publick manner,
 Method of
 Election That the Method of choosing Representatives for the future shall be as follows viz^t Two by the Inhabitants Householders of the City or Town of Perth Amboy in East New Jersey and two by the Freeholders of each of the five Counties in the said Division of East new Jersey. Two by the Inhabi-

tants Householders of the City or Town of Burlington in West New Jersey, and two by the Freeholders of each of the five Counties in the said Division of West New Jersey. Which persons so to be chosen make up *together the number of twenty four representatives.* And it is Our further Will and Pleasure that no Person, shall be capable of being elected a Representative by the Freeholders of either Division as aforesaid or afterwards of sitting in gen^l Assemblies who shall not have One thousand Acres of Land of an Estate of Freehold in his own Right within the Division for which he shall be chosen, or have a personal Estate in Money, Goods or Chattles to the Value of five hundred pounds Sterling, and all Inhabitants of Our said Province being so qualified as aforesaid are hereby declared capable of being elected accordingly.

14. You are to observe in the passing of Laws that the Stile of Enacting the same be by the Govern^t Council & Assembly and no other; you are Passing of Laws. also as much as possible to observe in the passing of all Laws that what ever may be requisite upon each different matter be accordingly provided for, by a different Law, without intermixing in one & the same Act such things, as have no proper Relation to each other and you are more especially to take Care that no Clause or Clauses be inserted in or annexed to any Act, which shall be foreign to what the Title of such respective Act imports, and that no perpetual Clause be made part of any temporary Law, and that no Act whatsoever be suspended, alter'd, continued, revived or repealed by Gen^l Words, but that the Title and Date of such Act so suspended alter'd, continued, revived or repeal'd be particularly mention'd and expressed in the enacting part.

15. You are to take care that in all Acts or Orders to be passed within that Our Province in any Case for levying money or imposing fines & Penalties, express

mention be made that the same is granted or reserved to Us Our Heirs or Successors for the publick Uses of that Our Province and the Support of the Governm^t thereof, as by the said Act or Order shall be directed, And you are particularly not to pass any Law, or do any Act by Grant or Settlement or otherwise whereby Our Revenue may be lessened or impair'd, without Our especial Leave or Commands therein.

16. You are not to permit any Clause whatsoever to be inserted in any Law for the levying of Publick Money to be accounted for. Money or the Value of Money whereby the same shall not be made lyable to be accounted for unto Us & to Our Commiss^r of Our Treasury or Our high Treasurer for the time being, and audited by Our Auditor Gen^l of Our Plantations or his Deputy for the time being. And We do particularly require and enjoyn you under the Pain of Our highest Displeasure to take care that fair Books of Accounts of all Receipts & Payments of all publick money be duely kept, and the Truth thereof attested upon Oath, and that all such Accounts be audited & attested by the Auditor Gen^l of Our Plantations or his Deputy, who is to transmit Copies thereof to Our Commiss^r of Our Treasury, or to Our high Treasurer for the time being, and that you do every half Year or oftner send another Copy thereof attested by your self to Our Commiss^r for Trade & Plantations & Duplicates thereof by the next Conveyance in which Books shall be specified every particular Sum raised and disposed of together with the names of the Persons to whom any payment shall be made: to the End We may be satisfied of the right and due application of the Revenue of Our said Province with the probability of the Increase or Diminution of it, under every, Head or article thereof.

Impost on Liquors 17. It is Our express *Will & Pleasure* that no Law for rais^d any Imposition on Wines

or other strong Licquors, be made to continue for less than one whole Year, and that all other Laws made for the Supply & Support of the Governm^t shall be indefinite and without Limitation, except the same be for a Temporary Service, and wh^{ch} shall expire and have their full effect within the time therein prefixt.

Royal assent
to be had on
all Laws

18. And whereas several Laws have formerly been enacted for so short a time that the Assent or Refusal of Our Royal Predecessors could not be had thereupon before the time for which such Laws were enacted did expire, you shall not for the future give your Assent to any Law that shall be enacted for a less time than two Years (except in the Cases mention'd in the foregoing Article). And you shall not re-enact any Law to which the Assent of Us or Our Royal Predecessors has once been refused without Express Leave for that Purpose first obtained from Us, upon a full Representation by you to be made to Us, and to Our Commiss^{rs} for Trade & Plantations, of the Reason and necessity for passing such Law, nor give your assent to any Law for repealing any other Act pass'd in your Government, whether the same has or has not received Our Royal Approbation, unless you take care that there be a Clause inserted herein, suspending and deferring the Execution thereof until Our Pleasure be known concern^g the same.

Bills of Credit

19 Whereas Acts have been pass'd in some of Our Plantations in America for striking Bills of Credit and issuing out the same in lieu of Money in Order to discharge their publick Debts and for other purposes, from whence sev^l Inconveniencies have arisen It is therefore *Our Will & Pleasure* that you do not give your Assent to, or pass any Act in Our said Province of New Jersey under your Government whereby Bills of Credit may be struck or issued in lieu of Money without a Clause be inserted in such Act

declaring that the same shall not take Effect, until the said Act shall have been approved & confirm'd by Us Our Heirs & Successors. And it is Our further *Will & Pleasure* that you do not give your Assent to or pass any Act in Our said Province of New Jersey under your Government, for payment of Money either to you the Governor or to any Lieu^t Governor or Commander in chief or to any of the Members of Our Council or to any other Person whatsoever except to Us Our Heirs and Successors without a Clause be likewise inserted in such Act declaring that the same shall not take effect until the said Act shall have been approv'd and confirm'd by Us Our Heirs or Successors.

20. And whereas great Mischiefs may arise by passing Bills of an unusual & extraordinary Nature & Importance in the Plantations, ^{Bills of extraordinary nature.} w^{ch} Bills remain in force there from the time of enacting until Our Pleasure be signified to the contrary, We do hereby will and require you not to pass or give your Consent hereafter to any Bill or Bills in the Assembly of Our said Province of unusual and extraordinary Nature and importance, wherein Our Prerogative, or the Property of Our Subjects may be prejudiced, or the Trade or Shipping of this Kingdom any ways affected, until you shall have first transmitted to Us the Draught of such a Bill or Bills and shall have receiv'd Our Royal Pleasure thereupon unless you take care in the passing of any Bill of such Nature as before mention'd that there be a Clause inserted therein, suspending & deferring the Execution thereof until Our Pleasure shall be known concerning the same: And it is Our express *Will & Pleasure* that no Duty shall be laid in the Province under Your Government upon British Shipping or upon the Product or Manufacture of Great Britain, And that you do not upon Pain of Our highest Displeasure give your Assent to any Law whatsoever, wherein the Natives or Inhab-

itants of New Jersey are put on a more Advantageous footing than those of this Kingdom.

21st You are also to take Care that no private Act, whereby the property of private Persons may be affected, be passed, in which there is not a saving of the Right of Us, Our Heirs and Successors, all Bodies Politick or Corporate and of all other Persons except such as are mention'd in the said Act, and those claiming by, from and under them, and further you shall take [care?] that no such private Act be passed without a Clause suspending the Execution thereof until the same shall have rece'd Our Royal approbation. It is likewise Our *Will & Pleasure* that you do not give your Assent to any private Act until Proof be made before you in Council, (and entred in the Council Books) that publick Notification was made of the Parties Intention to apply for such Act in the sev^l Parish Churches where the Premises in Question lye, for three Sundays at least Successively, before any such Act shall be brought into the Assembly; And that a Certificate under your Hand be transmitted with and annexed to every such Private Act signifying that the same has pass'd thro' all the forms above mention'd.

22. You are to transmit Authentick Copies of all Laws, Statutes and Ordinances that are now made and in force which have not yet been sent or which at any time hereafter shall be made or enacted within the said Province, each of them separately under the publick Seal unto Us and to Our said Comm^{rs} for Trade and Plantations within three months or by the first Opportunity after their being enacted, together with Duplicates thereof by the next Conveyance upon Pain of Our Highest Displeasure and of the Forfeiture of that Year's Salary, wherein you shall at any time or upon any pretence whatsoever omit to send over the said Laws, Statutes,

Copies of all
Laws to be
transmitted

and Ordinances as aforesaid, within the time above limited: As also of such other Penalty as We shall please to inflict. And you are hereby directed to take care that the Copies and Duplicates of the said Acts be fairly abstracted in the Margins; But if it shall happen that no shipping shall come from the said Province within three months after the making such Laws, Statutes and Ordinances, whereby the same may be transmitted as aforesaid then the said Laws, Statutes and Ordinances are to be transmitted as aforesaid by the next Conveyance, after the making thereof, whenever it may happen, for Our Approbation or Disallowance of the same.

23. And Our further *Will & Pleasure* is, that in every Act wh^{ch} shall be transmitted, there be Dates & Observations on Acts. the sev^l Dates or respective Times when the same pass'd the Assembly, the Council, & received your Assent; and you are to be as particular as may be in your Observations (to be sent to Our Commiss^{rs} for Trade and Plantations) upon every Act, that is to say whether the same is introductive of a new Law, Declaratory of a former Law or does repeal a Law then before in being; And you are likewise to send to Our said Comm^{rs} the reasons for the passing of such Law, unless the same do fully appear in the Preamble of the said Act.

24. You are to require the Secretary of Our said Province or his Deputy for the time being to furnish Secretary to furnish transcripts of Acts you with transcripts of all such Acts and publick Orders as shall be made from time to time together with a Copy of the Journals of the Council, And that all such Transcripts and Copies be fairly abstracted in the Margins, to the End the same may be transmitted to us, and to Our Commiss^{rs} for Trade and Plantations as above directed which he is duely to perform upon Pain of incurring the forfeiture of his Place.

25. You are also to require from the Clerk of the Assembly or other proper Officer transcripts of all the Journals and other proceedings of the said Assembly, and that all such transcripts be fairly abstracted in the margins, to the end the same may in like manner be transmitted as aforesaid.

26. Whereas several Inconveniencies have arisen to Our Governments in the Plantations by Gifts and Presents made to Our Governors by the General Assemblies. You are therefor to propose unto the Assembly at their first meeting, after your Arrival, and to use your utmost Endeavours with them that an Act be pass'd for raising and settling a publick Revenue for defraying the necessary Charge of the Government of Our said Province, And that therein Provision be particularly made for a competent Salary, to yourself as Cap^t General and Governor in chief of Our said Province, and to other Our succeeding Captains Gen^l for supporting the Dignity of the said Office, as likewise due Provision for the contingent Charges of Our Council and Assembly, and for the Salaries of the respective Clerks and other Officers thereunto belonging, as likewise of all other Officers necessary for the Administration of that Government; and particularly that such Salaries be enacted to be paid in Sterling or Proclamation money or in Paper Bills of Credit current in that Province, in proportion to the Value such Bills shall pass at, in Exchange for Silver, that thereby the respective Officers may depend on some certain Income, and not be lyable to have their Stipends varied by the uncertain Value of Paper money, and that in such Act all Officers Salaries be fixed to some reasonable Yearly Sum, except the Members of the Council and Assembly and the Officers attending them, or others whose attendance on the publick is uncertain, who may have a reasonable

pay established per Diem during their attendance only; and when such Revenue shall have so been settled Provision made as aforesaid, then Our express *Will & Pleasure* is that neither you Our Governor nor any Governor, Lieutenant Governor, Commander in chief or President of Our Council of Our said Province of New Jersey for the time being do give your or their consent to the passing of any Law or Act for any Gift or Present to be made to you or them by the Assembly, and that neither you nor them do receive any Gift or present from the Assembly or others, on any Account or in any Manner whatsoever upon Pain of Our highest Displeasure and of being recalled from that Our Government.

27. And We do further direct and require that this Declaration of Our Royal *Will & Pleasure* in the two foregoing Articles be communicated to the Assembly at their first Meeting after your Arrival in Our said Province, and enter'd in the Register of Our Council and Assembly, that all Persons whom it may concern may govern themselves accordingly.

28. Whereas for some years past the Governors of some of Our Plantations have seiz'd and appropriated to their own use the produce of Whales Whale Fish-ery. of sev^l kinds taken upon those Coasts, upon pretence that Whales are Royal Fishes, which tends greatly to discourage this Branch of Fishery in Our Plantations, and prevent Persons from settling there. It is therefore Our *Will & Pleasure* that you do not pretend to any such Claim nor give any manner of discouragement to the Fishery of Our Subjects upon the Coast of the Province under your Government, but on the contrary that you give all possible encouragement thereto.

29. Whereas great Prejudice may happen to Our Service and the Security of Our said Province under Gov^rs Absence. your Government by your absence from these parts, you are not upon any pretence

whatsoever to come to Europe from your Government without having first obtained Leave for so doing, under Our Signet and Sign Manuel or by our Order in Our Privy Council.

30. And whereas We have been pleased by Our Commission to direct in case of your Death or Absence
Devolution of Government from Our said Province, and in case there be at that time no Person upon the Place commissioned or Appointed by Us to be Our Lieut: Governor or Commander in cheif, the eldest Councillor whose Name is first placed in these Instructions to you, and who shall be at time of your Death or Absence residing within Our said Province shall take upon him the Administration of the Government and execute Our said Commission and Instructions and the sev^l Powers and Authorities therein contained in the Manner therein directed; It is nevertheless Our express *Will & Pleasure* that in such Case the said Eldest Councillor or President shall forbear to pass Act or Acts but such as shall be immediately necessary for the Peace and Welfare of Our said Province without Our particular Order for that purpose, and that he shall not take upon him to dissolve the Assembly then in being, nor to remove or suspend any of the Members of Our said Council, nor any Judges, Justices of the Peace or other Officers Civil or Military without the Advice and Consent of at least seven of the Council, and Our said President is to transmit over to Us and to Our Comm^t for Trade and Plantations by the first Opportunity, the Reasons of such Alterations sign'd by him and Our Council. *Provided* that if thro' Length of Time any Surveyor Gen^l of Our Customs shall become the Senior Councillor in Our said Province, that he shall not by Virtue of such Seniority be ever capable to take upon him the Administration of the Governm^t there upon the Death or Absence of any of Our Captains General or Governors in chief or

Lieut^{ts} Governors. But whenever such Death or Absence shall happen, the Government shall devolve upon the Councillor next in Seniority to the Surveyor Gen^l unless We shall hereafter think it for Our Royal Service to nominate John Peagram or any other of Our said Surveyors Gen^l Councillors in Ordinary in Our s^d Province, who shall not in that case be excluded any Benefit which attends the Seniority of their Rank in the said Council.

31. And whereas We are willing in the best Manner, to provide for the Support of the Government of Our said Province, by setting a part sufficient Allowances to such as shall be Our Governor, Lieut^t Governor, Commander in Chief, or President of Our Council residing for the time being, within the same. Our Allowance *Will & Pleasure* therefore is, that when it to Lieut^t Gov^r shall happen that you shall be absent from the Territory of New Jersey of which we have appointed you Governor, one full moiety of the Salary and of all Perquisites and Emoluments whatsoever, which would otherwise become due unto you, shall during the Time of your Absence from the said Territory be paid and satisfied unto such Governor, Lieut^t Governor Commander in chief or President of Our Council, who shall be resident upon the Place for the time being, which we do hereby Order & Allot unto him, towards his Maintenance and for the better Support of the Dignity of that Our Government.

32. You are not to suffer any Publick Money whatsoever to be issued or disposed of, otherwise than by Warrant under your Hand by and with the Advice and Consent of Our said Council; But the Assembly may be nevertheless permitted from time to time to view and examine the Accounts of Money or Value of Money disposed of by Virtue of Laws made by them, which you are to signify unto them as there shall be Occasion.

33. *Whereas* it is necessary that Our Rights and
Court of
Exchequer. Dues be preserv'd and recoverd and that
 speedy and effectual Justice be administra-
 ted in all Cases relating to Our Revenue. You are to
 take care that a Court of Exchequer be calld and meet
 at all such times as shall be needfull, and you are upon
 your Arrival, to inform Us and Our Commiss^{rs} for
 Trade and Plantations, whether Our Service may re-
 quire, that a constant Court of Exchequer be settled
 and established there.

34. You shall not remit any Fines or Forfeitures
Fines and
Forfeitures. whatsoever above the Sum of ten pounds,
 nor dispose of any forfeitures whatsoever
 until, upon signifying unto Our Commiss^{rs} for Trade &
 Plantations, the nature of the Offence, and the Occa-
 sion of such Fines and Forfeitures, with the particular
 Sums or Value thereof (which you are to do with all
 Speed) you shall have received Our Directions therein,
 but you may in the meantime suspend the payment of
 the said Fines and Forfeitures.

35. It is Our *Will and Pleasure* that you do not
Forfeitures
& Escheats. dispose of Forfeitures or Escheats to any
 Person until the Sheriff or other proper Offi-
 cer have made Enquiry by a Jury upon their Oaths
 into the true Value thereof, and you are to take care
 that the Produce be duely paid to Our Receiver Gen^l of
 Our said Province and a full Account transmitted to
 Our Commiss^{rs} of Our Treasury or Our high Treasurer
 for the time being, and to Our Comm^{rs} for Trade and
 Plantations with the Names of the Persons to whom
 disposed, and Provided that in the Grants of all for-
 feited and escheated Lands there be a Clause obliging
 the Grantee to plant and cultivate three Acres for every
 fifty within three Years after the pass^g such Grant,
 in case the same was not so planted & cultivated
 before, and that there be the proper Savings and
 Reservations of Quit Rent to Us Our Heirs & Succes-
 sors according to the Law of Our Province.

36. You shall not displace any of the Judges, Justices, Sheriffs, or other Officers or ministers Removal of Officers. within Our Said Province without good and sufficient Cause to be signified unto Us and to Our said Comm^{rs} for Trade and Plantations, and to prevent Arbitrary Removals of Judges and Justices of the Peace you shall not express any Limitation of Time in the Commissions which you are to grant with the Advice and consent of the Council of Our said Province to Persons fit for those Employments nor shall you execute by yourself or Deputy any of the said Offices, nor suffer any Person to execute more Offices than one by Deputy.

37. You shall not erect any Court or Office of Judicature not before erected, or established, nor Court of Judicature. dissolve any Court or Office already erected or established, without Our especial Order.

38. But in regard We have been informed that there Court of determining small Causes. is a great want of a particular Court of determining of small Causes you are to recom^{end} it to the Assembly of Our s^d Province, that a Law be pass'd, if not already done, for the constituting such Court or Courts for the ease of our Subjects there.

39. You are transmit unto Us and to Our Comm^{rs} for Trade and Plantations, with all convenient Speed, a particular Account of all Establishments of Jurisdictions, Courts, Offices, & Officers, Powers, Authorities, Fees and Priviledges which shall be granted Account of all Establishments to be transmitted or settled within Our said Province, as likewise an Account of all publick Charges relating to the said Courts, and of such Funds as are settled and appropriated to discharge the same, together with exact and Authentick Copies of all Proceedings in such Causes where Appeals shall be made to Us in Our Privy Council.

40. And you are with the Advice & Consent of Our
 Salaries & Fees said Council to take especial Care to regulate all Salaries and Fees belonging to Places or paid upon Emergencies, that may be within the Bounds of Moderation, and that no Exaction be made on any occasion whatsoever. As also that Tables of all Fees be publickly hung up in all Places where such Fees are to be paid, and you are to transmit Copies of all such Tables of Fees to Us and to Our Comm^{rs} for Trade & Plantations as afores^d

Delay in Justice 41. And whereas frequent Complaints have been made to Us of great Delays and undue proceedings in the Courts of Justice in several of Our Plantations, whereby many of Our Subjects have very much suffer'd, and it being of the greatest Importance to Our Service and to the Welfare of Our Plantations that Justice be every where speedily and duely administr^d and that all Disorders, Delays & undue Practices in the administration thereof be effectually prevented; We do particularly require you to take especial Care that, in all Courts where you are authorized to preside, Justice be impartially administered, and that in all other Courts establish'd within Our said Province, all Judges, and other Persons therein concern'd, do likewise perform their several Duties without any Delay or Partiality.

Life & Property Secured 42. You are to take care that no Man's life, Member, Freehold or Goods be taken away, or harmed in Our said Province otherwise than by establish'd & known Laws, not repugnant to, but as much as may be agreeable to the Laws of this Kingdom.

Prisoners 43. It is Our further *Will and Pleasure* that no persons for the future be sent as prisoners to this Kingdom from new Jersey without sufficient Proof of their Crimes, & that Proof transmitted along with the said Prisoners.

44. You shall endeavour to get a Law pass'd (if not already done) for the restraining of any Inhumane Severity inhuman Severity, which by ill Masters, or Overseers may be used towards their Christian Servants, and their Slaves, and that provision be made therein, that the willfull killing of Indians, & Negroes may be punish'd with Death, and that a fit Penalty be imposed for the maiming of them.

45. You are to take care that all Writs be issued in Our Name throughout Our said Province.

46. Our *Will & Pleasure*, is that Appeals be permitted to be made in Cases of Error, from the Courts, in Our said Province of Nova Casarea or New Jersey, unto you & the Council there, and in your absence from Our said Province, to Our Commander in chief for the time being, and Our said Council in civil Causes, wherein such of Our said Council, as shall be

at that time Judges of the Court, from whence such Appeal shall be made to you Our Governor & Council, or to the Commander in chief for the time being and Council as aforesaid, shall not be admitted to vote upon the said Appeal; but they may nevertheless be present at the hearing thereof, to give the Reasons for the Judgement given by them in the Cause wherein such Appeal shall be made. *Provided* nevertheless that in all such Appeals the Sum or Value appeal'd for, exceed One hundred pounds Sterling, and that Security be first duely given by the Appellant to answer such Charges as shall be awarded, in case the first Sentence be affirmed: at the hearing of all which Appeals, any three or more of the Judges of the Supreme Court are to be present to inform & assist the Court.

47. And if either Party shall not rest satisfied with the Judgement of you or the Commander in chief for the time being, and the Council

as aforesaid; Our *Will & Pleasure* is that they then appeal unto Us, in Our Privy Council, *Provided* the Sum or Value so appealed for unto Us, do exceed Two hundred pounds Sterl^l; and that such Appeal be made within fourteen Days after Sentence, and that good Security be given by the Appellant that he will effectually prosecute the same, and answer the Condemnation, as also pay such Costs & Damages as shall be awarded by Us, in case the Sentence of you or the Commander in chief for the time being and Council be affirmed; And it is Our further *Will & Pleasure* that in all cases where by your Instructions you are to admit of Appeals to Us in Our Privy Council, Execution be suspended until the final Determination of such Appeal, unless good and sufficient Security be given by the Appellee to make ample Restitution of all that the Appellant shall have lost by means of such Judgement or Decree, in case, upon the Determination of such Appeal, such Judgement or Decree should be reversed, and Restitution awarded to the Apellant.

48. You are also to permit Appeals to Us in Council, Appeals in Cases of Fines in all Cases of Fines imposed for Misdeameors; *Provided* the Fines so imposed amount to or exceed the Value of £200 Sterl^l; the Appellant first giving good Security that he will effectually prosecute the same, and answer the Condemnation, if the Sentence by which such Fine was imposed in Our said Province of Nova Casarea or New Jersey shall be confirmed.

49. Whereas there are several Offices in Our Plantations granted under Our Great Seal of this Kingdom, and that Our Service may be very much prejudiced by reason of the absence of the Patentees, and by their appointing Deputies not fit to officiate in that stead; You are therefore upon your arrival to inspect such of the said Offices as are in your Government, and to enquire into the Capacity &

Behaviour of the Persons now exercising them; and to report thereupon to Us, and to Our Commiss^{rs} for Trade & Plantations, what you think fit to be done or alter'd in relation thereunto; And you are upon the Misbehaviour of any of the said Patentees or their Deputies to suspend them from the Execution of their Places, till you shall have represented the whole Matter, and received Our Directions therein And in case of the Suspension of any such Officer, it is Our express *Will & Pleasure* that you take care the Person appointed to execute the Place during such Suspension, do give Sufficient Security to the Person suspended to be answerable to him for the Profits accruing, during such Suspension, in case we shall think fit to restore him to his Place again, it is nevertheless Our *Will & Pleasure* that the Person executing the Place, during such Suspension, shall for his Encouragement receive the same Profits as the Person suspended, if a Deputy, did, or a Moiety of the Profits, in case of Suspension of the Patentee, But you shall not by colour of any Power, or authority, hereby or otherwise granted or mentioned to be granted unto you, take upon you to give, grant or dispose of any Office or Place within Our said Province, which now is or shall be granted under the Great Seal of Great Britain, any otherways than that, you may, upon the Vacancy of any such Office or Place or Suspension of any such Officer by you as aforesaid, put in any fit person to Officiate in the Interval, till you shall have represented the Matter, unto Us, and to Our Comm^{rs} for Trade & Plantat^{ns} as aforesaid (which you are to do by the first Opportunity) & till the said Office or Place be disposed of by Us Our Heirs or Successors, under the Great Seal of Great Britain, or that Our further Directions be given therein. And it is Our express *Will & Pleasure* that you do countenance and give all due Encouragement to all Our Patent Officers in the Enjoyment of

their Legal & accustom'd Fees, Rights, Priviledges and Emoluments, according to the true Intent & meaning of their Patents.

50 And whereas several Complaints have been made by the Surveyor Gen^l and other Officers of Our Customs in Our Plantations in America, that they have been frequently obliged to serve on Juries, and personally to appear in Arms, whenever the Militia is drawn out, and thereby are much hindered in the Execution of their Employments, Our Will & Pleasure is, that you take effectual Care and give the necessary Directions that the several Officers of Our Customs, be excused and exempted from serving on any Juries or personally appearing in Arms, in the Militia, unless in cases of absolute necessity, or serving any Parochial Offices, which may hinder them in the Execution of their Duties.

51. And whereas the Surveyor's Gen^l of Our Customs in the Plantations, are empower'd in Surveyor Gen^ls Power. case of the Vacancy of any of Our Officers of the Customs, by Death, Removal or otherwise, to appoint other Persons to Execute such Offices until they receive further Directions from Our Comm^{rs} of Our Treasury, or Our high Treasurer, or Comm^{rs} of Our Customs for the time being, but in regard the Districts of the said Surveyors Gen^l are very extensive, and that they are requir'd at proper times to visit the Officers in the several Governments under their Inspection and that it might happen that some of the Officers of Our Customs in the Province of Nova Casarea or New Jersey, may die at the time when the Surveyor Gen^l is absent in some distant part of his District, so that he cannot receive advice of such Officer's Death, within a reasonable time, and thereby make Provision for carrying on the Service by appointing some other person in the room of such Officer, who may happen to die, therefore that there may be no Delay given on such

Occasion to the Masters of Ships, or Merchants in their Dispatches, It is Our further *Will & Pleasure* in case of such Absence of the Surveyor Gen^l or if he should happen to die and in such cases only, that upon the Death of any Collector of Our Customs, within that Our Province, you shall make choice of a Person of known Loyalty, Experience, Diligence and Fidelity, to be employed in such Collector's Room, for the Purposes aforesaid, until the Survey^r Gen^l of Our Customs shall be advised thereof, and appoint another to succeed in their Places or that further Directions shall be given therein by Our Com^{rs} of Our Treasury or Our High Treasurer or by the Comm^{rs} of Our Customs for the time being, which shall be first signified, taking care that you do not under Pretence of this Instruction, interfere with the Powers & Authorities given by the Comm^{rs} of Our Customs to the said Surveyor's Gen^l when they are able to put the same in Execution.

Administra-
tion of Oaths. 52. You shall administer or cause to be administered the Oaths, mention'd in the foresaid Act Entituled *an Act for the further Security of his Majesty's Person & Government & the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants, and for extinguishing the Hopes of the pretended Prince of Wales, and his open & secret Abettors:* to the Members and Officers of the Council and Assembly, and to all Judges, Justices & all other Persons that hold any Office or Place of Trust or Profit in the said Province, whether by Virtue of any Patent under Our great Seal of this Kingdom or otherwise, and you shall also cause them to make and subscribe the aforesaid Declaration, without the doing of all which, you are not to admit any Person whatsoever into any publick Office, nor suffer those who have been admitted formerly to continue therein.

53. And whereas it may happen that the Number of Inhabitants fitly qualified to serve in Our Council, in

the gen^l Assembly and in other places of Trust or Profit there, may be but small. It is Our Will & Quakers. Pleasure that such of the said People called Quakers, as shall be found capable of any of those Places or Employments, and shall be accordingly elected or appointed to serve therein may upon their taking & signing the Declaratⁿ of Alligiance to Us; in the form used by the same People in this Kingdom together with a Solemn Declaration for the true Discharge of their respective Trusts, be admitted by you into any of the said Places or Employm^{ts}

54. And you are^{al}so with the Assistance of the Council & Assembly to find out the best Conversion of Negroes. means to facilitate & encourage the Conversion of Negroes, & Indians to the Christian Religion.

55. You are to permit a Liberty of Conscience to all Liberty of Conscience. Persons (except Papists) so they be contented with a quiet & Peaceable Enjoyment of the same, not giving Offence or Scandal to the Government.

56. You shall take especial care that God Almighty be devoutly and duely served throughout your Governm^t the Book of Common Prayer, as by Observation of Religion. Law establish'd read each Sunday & Holy-day, and the Blessed Sacrament administred, According to the Rites of the Church of England. You shall be carefull that the Churches already built there, be well & orderly Kept, and that more be built, as the Province shall by God's blessing be improved, and that besides a competent Maintenance to be assigned to the Minister of each Orthodox Church, a convenient House be built at the common Charge for each Minister and a competent Proportion of Land assigned to him for a Glebe & Exercise of his Industry, and you are to take care that the Parishes be bounded & settled as you shall find most convenient for the Accomplishment this Good Work.

57. You are not to prefer any Minister to any Ecclesiastical Benefice in that Our Province, without a Certificate from the Right Rev^d Father in God the Lord Bishop of London, of his being confirmable to the Doctrine & Discipline of the Church of England, and of a good Life and Conversation, and if a Person already prefer'd to a Benefice shall appear to you to give Scandal either by his Doctrine or Manners, you are to use the best means for the Removal of him.

58. You are to give Order that every Orthodox Minister within your Government be one of the Vestry in his respective Parish, and that no Vestry be held without him, except in case of Sickness or that after notice of a Vestry summon'd he omit to come.

59. You are to inquire whether there be any Minister within your Government who preaches & administers the Sacrament in any Orthodox Church or Chappel, without being in due Orders and to give Account thereof to the L^d Bish^p of London.

60. And to the end, the Ecclesiastical Jurisdiction of the said Lord Bishop of London, may take place in Our said Province, so far as conveniently may be, We do think fit that you give all countenance & Encouragem^t to the Exercise of the same, except only the collating to Benefices, granting Lycenses for Marriages & Probate of Wills, which We have reserved to you Our Governor and the Commander in chief of the said Province for the time being.

61. And you are to take especial care, that a Table of Marriages, established by the Canons of the Church of England be hung up in every Orthodox Church, and duely observed. And you are to endeavour to get a Law passed in the Assembly of Our said Province (if not already done) for the strict observation of the said Table.

62. The Right Rev^d Father in God Edmund Lord
 Bishop of London, having presented a Pe-
 tition to his late Majesty humbly beseeching
 him to send Instructions to the Governor of all the
 sev^l Plantations in America, that they cause all Laws
 already made against Blasphemy, Prophaness, Adultry,
 Fornication, Polygamy, Incest, Prophanation of the
 Lord's Day, Swearing and Drunkenness in their re-
 spective Governments to be vigorously executed; And
 we thinking it highly just, that all Persons who shall
 offend in any of the particulars aforesaid should be
 prosecuted and punished for their said Offences. It is
 therefore Our *Will and Pleasure* that you take due
 Care for the Punishment of the forementioned Vices,
 and that you earnestly recommend it to y^e Assembly
 of New Jersey, to provide effectual Laws for the Re-
 straint & punishment of all such of the aforemention'd
 Vices against which no Laws are yet provided, and
 also you are to use your Endeavours to render the
 Laws in being more effectual, by providing for the
 Punishment of the aforemention'd Vices by present-
 ment upon Oath, to be made to the Temporal Courts
 by the Church Wardens of the sev^l Parishes at proper
 times of the year to be appointed for that purpose.
 And for the further Discouragement of Vice & En-
 couragem^t of Virtue, and good Living (that by such
 Example the Infidels may be invited and desire to em-
 brace the Christian Religion) you are not to admit any
 Person to publick Trusts and Employments in the said
 Province under your Government, whose ill Fame &
 Conversation may occasion scandal. And it is Our
 further *Will and Pleasure* that you recommend to the
 Assembly to enter upon proper Metods for the erecting
 and maintaining of Schools, in order to the training
 up of Youth to reading, and to a necessary Knowledge
 of the Principles of Religion.

63. You shall send unto Us, and to Our Comm^{rs} for
 Number of Trade and Plantat^{ns} by the first conveyance,
 Inhabitants. an Account of the present Number of Plant-
 ers & Inhabitants, Men Women and Children, as well
 Masters as Servants, Free & Unfree, and of the Slaves
 in Our said Province, as also a yearly Account of the
 Increase or Decrease of them and how many of them
 are fit to bear Arms in the Militia of Our said Pro-
 vince.

64. You shall also cause an exact Account to be
 Bills of Mor- kept of all Persons been christen'd & buried,
 tality. & you shall yearly send fair Abstracts
 thereof to Us, and to Our Comm^{rs} for Trade & Plan-
 tations as afores^d.

65. You shall take care that all Planters & Christian
 Militia Servants be well & fitly provided with arms
 & that they be listed under good Officers, & when and
 as often as shall be thought fit, muster'd & trained,
 whereby they may be in a better readiness for the
 Defence of Our said Province, under your Govern-
 ment.

66. You are to take especial care that neither the
 Marches, Mus- frequency nor unreasonableness of their
 ters &c. Marches, Musters and Trainings be an un-
 necessary Impediment to the Affairs of the Inhab-
 itants.

67. You shall not upon any Occasion whatsoever
 Law Martial establish or put in Execution any Articles
 of War or other Law Martial upon any of Our Sub-
 jects, Inhabitants of Our said Province, without the
 Advice & Consent of Our Council there.

68. And whereas there is no Power given you by
 your Commⁿ to execute Martial Law in time of Peace
 upon Soldiers in pay, & that nevertheless it may be
 necessary that some Care be taken for the keeping of
 good Discipline amongst those that we may at any
 time think fit to send into Our said Province, (which

may properly be provided for by the Legislative Power of the same) you are therefore to recom'end to the Gen^l Assembly of Our said Province, that they prepare such Act or Law for the punishing of Mutiny, Desertion, and false Musters & for the better preserving of good Dicipline amongst the said Soldiers as may best answer those Ends.

69. You are to encourage the Indians upon all
Indians Occasions, so as to Induce them to Trade with Our Subjects, rather with any others of Europe.

70. And for the greater Security of Our Province of New Jersey, you are to appoint fit Officers and Commanders in the several parts of the Country
Officers to be appointed for the Defence of the Province bordering upon the Indians, who upon any Invasion may raise Men & Arms to oppose them, until they shall receive your Directions therein.

71. And whereas you will receive from Our Comm^{rs} for executing the Office of High Admiral of Great
Vice Admiralty Britain & of Our Plantations a Commⁿ of Vice Admiralty of Our said Province of New Jersey, you are hereby required & directed carefully to put in Execution the sev^l Powers thereby granted you.

72. Whereas great Inconveniencies have happen'd by Merchants Ships & other Vessels in the Plantations, wearing the Colours born by Our Ships of War under Pretence of Commissions granted them by the Governors of the said Plantations and that by trading under those Colours not only amongst Our own Subjects, but also those of other Princes & States, and com'itting diver'se Irregularities, they do very much dishonour Our Service, for Prevention whereof, you
Colours. are to oblige the Commanders of all such Ships to which you shall grant Commissions, to wear

no other Jack than according to the Sample here described that is to say, such as is worn by Our Ships of War, with the Distinction of a white Escutcheon in the middle thereof, and that the said Mark of Distinction may extend itself to one half of the depth of the Jack, & one third part of y^e Fly thereof. [FLAG.]

73. And whereas there have been great Irregularities in the manner of granting Commissions in the Plantations to Private Ships of War, you are to govern yourself whenever there shall be occasion, according to the Commissions and Instructions granted in this Kingdom, Copies whereof will be herewith deliver'd you.

74. But you are not to grant Commissions of Marque or Reprizals against any Prince or State, or their subjects in Amity with Us, to any Person whatsoever without Our especial Command.

75. Whereas it is absolutely necessary that We be exactly inform'd of the State of Defence of all Our Plantations in America, as well in the relation to the Stores of War that are in each Plantation as to the Forts and Fortifications there, and what more may be necessary to be built for the Defence and Security of the same; You are so soon as possible to prepare an Account thereof, with relation to Our said Province of Nova Casarea or New Jersey, in the most particular Manner, and you are therein to express the present State of the Arms, Ammunition & other Stores of War belonging to the Province, either in any publick Magazines or in Hands of private Persons, together with the State of all Places, either already fortified or that you judge necessary to be fortified for the Security of Our said Province, and you are to transmit the said Accounts to Us and to

Our Commissioners for Trade & Plantations, as also a Duplicate thereof to Our Master Gen^l or Principal Officers of Our Ordnance; Which Accounts are to express the particulars of Ordnance, Carriages, Ball, Powder, and all other Sorts of Arms & Ammunition in Our publick Stores at your said Arrival, and so from time to time, of what shall be sent to you or bought with Publick money, and to specify the time of the Disposal & the Occasion thereof, and other like Accounts half yearly in the same Manner.

76 You are to take especial care that fit Store houses Store houses. be settled throughout Our said Province for receiving and keeping of Arms Ammunition & other publick Stores.

77. And in case of any Distress of any of Our Plantations, you shall upon application of the respective Assistance to Governors to you, assist them with what Neighbours. Aid the Condition and safety of your Government will permit, and more particularly in case Our Province of New York, be at any time attack'd by an Enemy, the Assistance you are to contribute towards the Defence thereof, whether in Men or Money, is to be according to the Quota or Repartition which has already been signified to the Inhabitants of Our fores^d Province under your Government or according to such other Regulation, as we shall hereafter make in that Behalf, and shall signify to you, or the Commander in Chief of Our said Province for the time being.

78. And whereas the Preservation of the Northern Frontiers of Our Province of New York against the Contribu- Attempts of any Enemy by Land is of great Importance to the Security of Our other tions for De- fence of New York. Northern Plantations on the Continent of America, and more especially of Our said Province of New Jersey, which lies so near adjoining to Our Province of New York, and the Charge of erecting and repairing the Fortifications, & of the maintaining the

Soldiers necessary for the Defence of the same, is too great to be born by the single Province of New York, without due Contributions from others concern'd therein, for which Reason we have upon several Occasions required such Contributions to be made, and accordingly settled a Quota, to regulate the Proportions thereof; You are therefore to take further Care to dispose the Gen^l Assembly of Our said Province of New Jersey, to the raising of such other Supplies, as are or may be necessary for the Defence of Our Province of New York, according to the Signification of Our *Will and Pleasure* therein already made to the Inhabitants of New Jersey, or which shall at any Time hereafter be made to you Our Governor or to the Commander in chief of Our said Province for the time being.

79. You shall transmit unto Us and to Our Commiss^{rs} for Trade & Plantations, by the first Opportunity a Map, with the exact Description of Our whole Territory under your Government, and of the several Plantations that are upon it.

80. You are from time to time to give an Account, ^{Strength of} as before directed what Strength your bordering Neighbours have, be they Indians or others, by Sea and Land, and of the Condition of their Plantations, and what Correspondence you do keep with them.

81. You are likewise to examine what Rates and ^{Rates & Du-} Duties are charged and payable upon any ^{ties.} Goods, imported or exported within Our Province of Nova Casarea or New Jersey, whether of the Growth or Manufacture of Our said Province or otherwise, and you are to suppress the engross^g of Commodities as tending to the Prejudice of that Freedom, which Trade & Commerce ought to have, and to use your best Endeavours for the Improvement of Trade in those Parks, by setting such Orders and Regulations, therein, with the advice of the Council as

may be most acceptable to the Genrality of the Inhabitants.

82. You are to give all due Encouragement and Invitation to Merchants & others, who shall bring Trade unto Our said Province, or any way contribute to the Advantage thereof, and in particular to the Royal African Comp^y and other Our Subjects trading to Africa. And whereas we are willing to recommend unto the said Company, and other Our Subjects that the said Province may have constant and sufficient Supply of Merchantable Negroes at moderate Rates, in money or Commodities, so you are to take especial Care that Payment be duely made, and within a competent Time according to their Agreements.

83. And we do further expressly command and require you to give unto Us & to Our Comm^{rs} for Trade and Plantations an Account every half year of what Number of Negroes Our said Province is yearly supplied with, that is what number by the African Company, and what by separate Traders and at what Rates sold.

84. Whereas we have been informed that during the Time of War Our Enemies have frequently got Intelligence of the State of Our Plantations by Letters from private Persons to their Correspondents in Great Britain, taken on Board Ships coming from the Plantations, which may be of dangerous Consequence if not prevented for the future, Our *Will & Pleasure* is, that you signify to all Merchants, Planters, and others, that they be very cautious in time of War, in giving any Account by Letters, of the Publick State and Condition of Our said Province of New Jersey, and you are further to give Directions to all Masters of ships, or other Persons to whom you may entrust your Letters, that they put such Letters in a Bag, with a sufficient Weight to sink the same, immediately in case of imminent Danger from the

Enemy. And you are also to let the Merchants and Planters Know how greatly it is for their Interest, that their Letters should not fall into the hands of the Enemy And therefore that they should give the like Orders to the Masters of Ships in relation to their Letters, and you are further to advise all Masters of Ships, that they do sink all Letters in Case of Danger in the manner before mention'd.

85. And whereas in the late War the Merchants & Correspond-
ence with
Enemies. Planters did Correspond and Trade with Our Enemies and carry Intelligence to them, to the great Prejudice & Hazard of the English Plantations, you are therefore by all possible Methods to endeavour to hinder all such Trade and Correspondence in time of War.

86. Whereas by the fifth and sixth Articles of the Treaty of Peace & Neutrality in America, concluded between England & France the $\frac{6}{16}$ Day of November 1686, the Subjects, Inhabitants &c of each Kingdom are Prohibited to Trade & Fish in all places possess'd or which shall be possess'd by the other in America, and that if any Ships shall be found trading contrary to the said Treaty, upon due Proof, the said Ships shall be confiscated, But in case the Subjects of either King shall be forced by Stress of Weather, Enemies or other Necessity into the Ports of the other, in America, they shall be treated with Humanity and Kindness, and may provide themselves with Victuals, and other things necessary for their Sustenance & Reparation of their Ships, at reasonable Rates: provided they do not break Bulk, nor carry any Goods out of their Ships, exposing them to sale, nor receive any Merchandize on Board under Penallty of Confiscation of Ships & Goods, Notwithstanding which Treaty, We are given to understand that an illegal Trade has been carried on between Our Plantations and the French Settlements in America, on pretence that there is no Law in force

against such Trade, It is therefore Our *Will & Pleasure* that you signify to Our Subjects under your Government, the Purport and Intent of the aforesaid two Articles, and that you take particular Care that the same be punctually observ'd and put in Execution, and that no Illegal Trade be carried on between Our Subjects in Our Province of New Jersey under your Government & the French Settlements in America, by any of Our Ships of War, attending that Province, or by any other British Ships, as likewise that none of the French Subjects be allow'd to trade from their Settlements to New Jersey.

87. Whereas we have thought it Necessary for Our Service to constitute and appoint a Receiver Receiver Genl of Admiralty Rights. Genl of the Rights & Perquisites of the Admiralty; It is therefore Our *Will & Pleasure*, that you be aiding & Assisting to the Receiver Genl his Deputy or Deputies in the Execution of the said Office of Receiver Genl and We do hereby require & enjoin you to make up your Accounts with him, his Deputy or Deputies of all Rights of Admiralty (Effects of Pirates included) as your Officers have or shall or may receive, and to pay over to the said Receiver Genl his Deputy or Deputies for Our Use all Such Sum or Sums of Money as shall appear on the Foot of such Acc^{ts} to be & remain in your Hands or in the Hands of any of your Officers. And whereas Our said Receiver Genl is directed, in case the Parties chargeable with any part of such Our Revenue, refuse, neglect or delay Payment thereof, by himself or sufficient Deputy, to apply to Our Governors, Judges, Attornies Genl, or any other Our Officers or Magistrates to be aiding & assisting to him in recovering the same. It is therefore Our *Will & Pleasure*, that you Our Governor, Our Judges Our Attornies Genl and all other Our Officers whom the same may concern do use all Lawfull Authority for the recovering and levying thereof.

88. You are likewise from time to time to give unto
 Wants & De- Us & to Our Comm^{rs} for Trade & Planta-
 fects tions, as aforesaid, an Account of the Wants
 and Defects of Our said Province; what are the chief
 Products thereof, what New Improvements are made
 therein by the Industry of the Inhabitants or Planters,
 and what further Improvements you conceive may be
 made, or advantages gain'd by Trade and in what
 Manner we may best advance the same.

89. Our *Will & Pleasure* is, that for the better
 Grants of Quieting the Minds of Our Good Subjects,
 Lands. Inhabitants of Our said Province, and for
 settling the Properties & Possessions of all Persons con-
 cern'd therein, either as Gen^l Proprietors of the Soil,
 under the first Original Grant of the said Province,
 made by the late King Charles the second to the late
 Duke of York, or as particular Purchasers of any Par-
 cels of Land from the said Gen^l Proprietors; You shall
 propose to the General Assembly, of Our said Province,
 the passing of such Act or Acts, whereby the Right
 and Property of the said Gen^l Proprietors of the Soil
 of Our said Province, may be confirmed to them,
 according to their respective Rights & Titles, together
 with all such Quit-Rents as have been reserv'd or are
 or shall become due to the said Gen^l Proprietors, from
 the Inhabitants of Our said Province, and all such
 Priviledges as are expressed in the Conveyances made
 by the said Duke of York, excepting only the Right of
 Government, which remains in us; And you are fur-
 ther to take care, that by the said Act or Acts so to be
 pass'd, the Particular Titles & Estates of all the
 Inhabitants of that Province, and other Purchasers
 claiming under the said Gen^l Proprietors be confirm'd
 and settled, as of Right does appertain, under such
 Obligations, as shall tend to the best & speediest
 Improvement or Cultivation of the same: Provided

always that you do not consent to any Act or Acts to lay any Tax upon unprofitable Lands.

90. You shall not permit any other Person or Persons besides the said Gen^l Proprietors or their Agents to purchase any Lands whatsoever from the Indians, within the Limits of their Grant.

91. You are to permit the Surveyors and other Persons appointed by the foremention'd Gen^l Surveyors of Land. Proprietors of the Soil of that Province for surveying and recording the Surveys of Land granted by & held of them to execute accordingly their respective Trusts. And you are likewise to permit & if need be, aid and assist such other Agent or Agents as shall be appointed by the said Proprietors for that End, to collect and receive the Quit-Rents which are or shall be due unto them from the particular Possessors of any Parcels or Tracts of Land from time to time, *Provided* always that such Surveyors Agents or other Officers appointed by the said Gen^l Proprietors do not only take proper Oaths for the due Execution & Performance of their respective Offices or Employments and give good & Sufficient Security for their so doing, but that they likewise take the Oaths, mention'd in the aforesaid Act, intituled *an Act, for the further Security of his Majesty's Person and Government & the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants, and for extinguishing the Hopes of the pretended Prince of Wales and his open & secret Abettors*, as also make and subscribe the Declaration afores^d and you are more particularly to take care that all Lands purchased from the said Proprietors be cultivated & improved by the Possessors thereof and you are to take care that no Fees be exacted or taken by any of the Officers under you, for the Grants of Land, made by the Agents of the Proprietors, which Agents are to deliver over to you in Council, Duplicates of all such Grants to be registered in Our Council Books.

92. And if any thing shall happen that may be of
 Gov^{ts} Power Advantage and Security to Our said Pro-
 on
 Emergencies. vince which is not herein or by Our Com-
 mission provided for, We do hereby allow unto you,
 with the Advice and Consent of Our Council, to take
 Order for the present therein, going [giving?] unto Us
 by One of Our Principal Secretaries of State & to Our
 Comm^{rs} for Trade & Plantations speedy Notice thereof
 that so you may receive Our Ratification if We shall
 approve of the same. Provided always that you do not
 by Colour of any Power or Authority hereby given
 you, commence or declare War, without Our Knowl-
 edge & particular demands herein, except it be against
 Indians, upon emergencies, wherein the Consent of
 Our Council shall be had, & speedy Notice given there-
 of unto us as aforesaid.

93. And you are upon all Occasions to send unto us
 by One of Our principal Secretaries of State
 Account of all and to Our Com^{rs} for Trade and Plant^s a
 Proceedings
 to be
 Transmitted. particular Acc^t of all your Proceedings &
 of the Condition of Affairs within your
 Government.

*Letter from William Wood to the Lords of Trade—
 relative to the issuing of Paper Money in the
 Plantations.*

[From P. R. O. B. T. Plantations General, No. 10, N. 31.]

Letter from M^r Wood, to the Board, inclosing
 a Proposal for Extending & Enlarging y^e
 Trade & Navigation of this Kingdom, &
 for the bett^r Peopling the British Planta-
 tions, by remedying the present Mischiefs
 & Inconveniencies attending the Com-

merce of y^e Plantations, from the practice of late Years, in the Issuing of Paper-Money, & in the Raising of the Coin.

Whitehall, June 21st 1738.

R^t Hon^{ble} The Lords For Trade and Plantations

My Lords.

The many Complaints, which have been made to the Crown, as well as to Your Lordships, relating to Paper-Bills issued in so many of the Plantations in America, having induced me to imploy my Thoughts to remedy an Evil, which, so far as I have considered the Affair, must necessarily prevent the Prosperity of the Plantations, as well as the Increase of the Trade of this Kingdom, I presume to send Your Lordships what has been the Result of the Time I have imployed on this Subject; and if Your Lordships, upon reading this Proposal, shall think it worthy Your Consideration, but at the same time have any Objections to it or want any Explanation of it, If You will direct M^r Hill to transmit them to me, I will indeavour to give Your Lordships the necessary Satisfaction. I have not imparted this Paper to any Body of Merchants in General, but only occasionally, to Three Gentlemen of this City, Two of Bristol, and Two of Liverpool, and to Each separately, who every one so far approve it as to wish it was carried into Execution; which I thought proper to mention to Your Lordships, and am, with the Greatest Respect,

My Lords,

Your Lordships' most obedient hum^{ble} Serv^t

W^m WOOD.

A PROPOSAL For the Extending and Enlarging the Trade and Navigation of this Kingdom, And For the better Settling and Peopling the British Plantations in

America, by remedying the present Mischiefs and Inconveniencies attending the Commerce to the Plantations, from the Practice of late Years, in the Issuing of Paper-Money, and in the Raising of the Coin.

That be coined in Silver, One Third into Crowns and Half-Crowns, One Third into Shillings, and the Other Third into Sixpences, in Gold, one Moiety into whole Guineas, and the Other Moiety into Half-Guineas, and in Copper, the whole coined One Fourth Part less in Value, or less in Gold and Silver, than either a Guinea or Half Guinea, Crown or Half-Crown, Shilling, or Sixpence, or Halfpenny, is in this Kingdom, and to have the Word America stamped on each Piece.

That, in order to replace the Amount of the Money employed in answering this Coinage, and for the introducing such Coin into the British Plantations, It shall be Directed, First, That Part of such Money, so coined, shall be Lodged in the hands of the Paymaster of the Army, who shall issue such Money, and no other, to the Agents of the Officers, Soldiers, and Garisons, in the Colonies; Secondly, That another Part of the Money, so coined, shall be lodged in the hands of the Treasurer of the Navy, who shall issue such Money, and no other, to the Storekeepers, Agent, Victuallers, Pursers, and other Officers of the Navy, for answering the Money wanting for the Service of the Ships of War stationed at the several Plantations in America; And, Thirdly, That any Person or Persons shall, upon Application to the Officers of the Mint, or such other Persons in whose hands such Money shall be lodged after its being coined, be supplied with such other Sum or Sums as he or they may require, Paying for the same in the current Coin of this Kingdom.

That the Agents to the Soldiers and Garisons, and the Officers of the Navy, and all other Persons to whom such Money, so coined, shall from time to time

be paid or delivered, shall enter into Bond, in a Penalty, to send such Coin to one of His Majesty's Plantations in America, and shall make an Entry, at the Customhouse of the Port where it shall be shipped, on what Ships or Vessels such Money shall be shipped on board.

That the Money, so coined, shall pass, in all Payments, in the several Colonies and Plantations in America, viz: a Crown for 5^s a Half-Crown for 2^s, 6^d, a shilling for 12^d, and a Sixpence for 6^d Twelve Copper Halfpence for 6^d a Guinea for 21^s and a Half-Guinea for 10^s 6^d and not at any other Denomination, or at any greater or lesser Value, by Sale or otherwise, under a Penalty.

That, from and after the Payment for the Goods, bought and sold, and for all Contracts made and entered into, shall, in the several British Colonies and Plantations in America, be accounted for, at or in proportion, and according to the Rate and Value of this Coin.

That such Coin, imported into any of the Colonies, may be Exported to any other Colony, and also to this Kingdom, but shall not be Exported to any the French, Dutch, Spanish, or any other Foreign Kingdom or Settlements.

That said Coin shall not pass in payment in this Kingdom, or the Kingdom of Ireland, but the Paymaster of the Army, or Treasurer of the Navy, shall be obliged to exchange any Sum or Sums on application, by giving the Coin of this Kingdom for the same.

That no other Coin than this Coin, whether British, French, or Spanish, or any other Country, shall pass in payment in any of the British Plantations, by Sale, or otherwise than by Weight.

That every Person or Persons, in any of the Colonies, receiving a Consignment or Parcel of this Coin from this Kingdom, shall make an Entry of the Quantity on his Importation of the same in the Colonies.

That no Person shall Export any of this Coin from one Plantation to another, or from any of the Plantations to this Kingdom, without Entering the same, Nor any Person receive a Consignment or Parcel of this Coin from any one of the Colonies without Entering the same.

That, from and after the no Person or Persons shall be obliged to take or receive for any Debt or Demand, either due from the Publick or any Person whatsoever, any Bills of Credit, or other Currency of Paper, Created and Issued by virtue of any Act or Acts of Assembly, or any other Publick Authority: And, in Case Provision shall not be made, on or before the said by some Act or Acts of Assembly or other Publick Authority, For the Sinking or Discharging of such Bills of Credit or Paper Currency, according, and in proportion, to the Value or Rate of the Coin hereby Directed and Required to transmit to His Majesty's Principal Secretaries of State, or to the Lords Commissioners for Trade and Plantations, an Account of the Bills which may remain unprovided for, and the Interest, if any, which may be Due thereupon, with an Account when such Bills were severally issued, what Rate the Currency was at the time of their issuing, and what such Rate of Currency may be in value to the Coin hereby Established, to be Laid before both Houses of Parliament.

And, whereas many Debts are owing in these Colonies, contracted when the Currency was at very different Rates or values, Therefore, for the Ascertaining a just Equality in the Payment of such Debts between the Debtor and Creditor, That the Debts, contracted at any time before the shall be accounted for, or paid, at or in proportion, or according, to the Rate or Value which the Money of each Colony where the Debt was contracted, shall, or may, be to the Value or Rate of this Coin.

*From Governor Morris to the Lords of Trade—
acknowledging the receipt of his Commission, etc.*

[From P. R. O. B. T. New Jersey, Vol. 4, F. 31.]

Letter from M^r Morris, Gov^r of New Jersey,
giving Account of his having published
his Commission, the people rejoice at hav-
ing a Distinct Gov^r from N. York, and
hope to have a Trade to Great Britain
directly to New Jersey, Rec^d Octo^{er} 26th
1738.

Perth Amboy, Sept^r y^e 11th 1738.

My Lords.

I did on the 26th of August receive his Majesties
Letters Patent appointing me Governor of New Jersie,
I published them at Amboy on the 29th and at Bur-
lington a few days afterwards.

The People are greatly pleas'd with being governed
by a different person from the Governor of New York;
and cannot sufficiently express their Obligations to
his Majestie and his Ministers for that favour. I have
ordred writs for the Election of an assembly which
is to meet on the 26th of October; and if a Judgment is
is to be form'd from the Generall satisfaction that at
present appeares, I am not without hopes of a good
Issue from their meeting.

They have warm desires, and are big with hopes of
carrying on a trade directly with great Britain, instead
of recieving European Commodities from their neigh-
bours of Boston, New York and Pensilvania. I am
not yet acquainted with their schemes; but hope I do
not Err in wishing that the Success may answer the
expectation; Tho I feare it will be a work of more time

than they suppose it will require to bring it to the desired effect. If they continue in the Same mind when I know the methods they propose I shall communicate them to your Lordships for your farther commands and in this and in every thing elce will endeavour that my Conduct Shall be such as will prevail upon your Lordships to entertain a favourable opinion of

My Lords

Your Lordships most Obedient and most
humble Servant

Lewis Morris

To the Right hon^{ble} the Lords Comm^{rs} for Trade & plantations.

*From Governor Morris to the Duke of Newcastle—
acknowledging the receipt of his Commission.*

[From P. P. O. America & West Indies Vol. 12, p. 62]

Perth Amboy in N. Jersey, Sept: 11th 1738

May it please Your Grace

I did on y^e 26th of August recieve by Captain Pearse his Majesties Letters Patent. Constituting me Governour of New Jersie, which I published at Amboy on the 29th following, and at Burlington a few days afterwards. The People are highly pleased with being to be governed by a person distinc^t from the Governor of New York; and I have on every Occasion endeavoured to make them sensible how much they are Oblig'd to his Majestie and his Ministers for so considerable a favour.

I beg that Your Grace will give my humble thanks

to his Majestie for the honour he has done me in Appointing me their Governour. I will Endeavour to behave agreeably to the great trust reposed in me; And to shew that his Majesties favours are not conferr'd upon an unsuitable Object.

I should be wanting in my duty, Should I not on this head Own my Obligations to Your Grace. I presume humbly to beg the continuance of Your Favours, in making favourable representations of my Conduct to his Majestie; which I will endeavour Shall be such as may prevail upon Your Grace to be the patron of

May it Please your Grace

Yours Graces most Obliged and
most Obedient humble Servant

LEWIS MORRIS.

To the R^t Hon^{ble} his Grace duke of new castle &c.

An Address to the King from the Council and Representatives of New Jersey—Thanking him for giving New Jersey a separate Governor.

[From P. R. O. America & West Indies, Vol. 12. p. 61.]

TO HIS MOST EXCELLENT MAJESTY GEORGE the second by the Grace of God of Great Britain France and Ireland King Defender of the Faith &c.

The most humble Address of Your Majesty's Council and the Representatives of Your Majesties Province of Nova Cesarea or New Jersey in Generall Assembly Convened.

Most Gracious Sovereign

Wee Your Majesties most dutifull and Loyall Subjects, Do humbly beg leave to acknowledge to Your

Majesty our most hearty and sincere thanks, for your having, at Our earnest Petition, appointed a Person to govern this Province solely, a favour truly great! and which we receive as a farther Testimony, that the remotest of your Majesties Subjects are equally the Objects of your Royal Care, protection and Benevolence.

From hence We hope to see Trade and Commerce flourish, and Justice more duly and Speedily Administered, among us, Blessings! which will make us happy, Encrease the Number of Your Majesties subjects here, and enable us from time to time honourably to Support the Government in all its parts.

Permit us also most humbly to acknowledge our satisfaction in the Gentleman whom your Majesty has on this occasion appointed to Represent your Royal Person here His know[n] Justice, Integrity and Impartiality in his several former Stations, has render'd him most acceptable to us, His perseverance therein and Our Loyalty and Gratitude to your Majesty, the best of Kings, will be the Inducements to continue your Royal Grace and Favour, both towards Him and us.

That Your Majesty may long Live and Reign, Triumphant over all your Enemies, The darling and beloved Object, of all your Subjects Care and Veneration, and blessed in a numerous Offspring, is the Prayer of

Divers of the
Members of
both Houses be-
ing of the People
called Quakers
do Agree to the
matter and Sub-
stance of the
above Address
but make some
Exception to
Stile,

May it please Your Majesty
Your Majesties most Dutifull
and Loyal Subjects

By Order of the Councill

JOHN HAMILTON Sp^r

By Order of the House of Representatives

JOSEPH BENNET [Bonnell?] Spea^r

*Letter from Governor Morris to Sir Charles Wager,¹
First Lord Commiss^r of the Treasury—relating to
the affairs of New Jersey and New York,*

[From Original Letter-book. of Gov. Morris, in the New Jersey Historical Society Library.]

AMBOY May 10th 1739.

Right honble

I acknowledge the hon^r of yours of the 15th of Jan'y & 11th of december. I thank you for the favours Express'd in both of them, my poor daughter is under the greatest Obligation to you concerning her pension & if She recovers the great fatigue of attending a sick Husband (w^{ch} I am told kept her constantly out of bed (Except three nights) both during the Voyage and after it) She cannot faile of returning those gratefull Sentiments She is at present with So much reason possess'd of—

I thank you for y^e favourable Sentiments you express of my Speech² I spoke my reall thoughts; & if a Judgment were to be form'd from the Assembly's address upon it (w^{ch} was long a comming) and from the addresses from all parts of the Province I had reason to Expect every thing I could fairly desire, but, I cannot as yet Say the Success has answer'd the Expec-

¹ SIR CHARLES WAGER. This Baronet, with whom Governor Morris formed an intimate acquaintance when in England, and for whom he cherished a sincere regard, stood high in his profession. He was made a Captain for his gallantry at the battle of La Hague. In 1707 he was sent with a command to the West Indies where he defeated fourteen Spanish galleons with only three ships. Queen Anne as a reward for his distinguished services, knighted him, and promoted him to be an admiral. His generosity was equal to his heroism. The riches he acquired were regarded by him only as the means of doing good both to his relatives and to persons in distress. He was chosen a member of Parliament for Portsmouth in 1709, and sat in every parliament there after until his death. He was placed at the head of the Navy Board in January, 1732. See Collections New Jersey Historical Society, Vol. IV, p. 49. Ed.

² See "Papers of Governor Lewis Morris," pp. 36-38. Ed.

tation, & whether it will, or no, requires Some time to discover. There is So much Insincerity—and Ignorance—among the people and withall so rooted a Jealousy of their Governours, & so strong an Inclination in the meaniest of the people (who are the majority & whose Votes make the Assembly) to have the Sole direction of all the Affairs of the Government, & to make the Governour, and other officers Intirely dependant on themselves, that it requires much more temper, Skill, & constancy to overcome these difficulties than falls to every man's share & whether to be done most effectually by driving, or leading them, is difficult to determine. Each of these have been Successfull in their turns: & sometimes neither. The generallity of them Seem to have no very quick Sence of honour or of Shame & can beare with indifference enough the reproaches of departing from their words or Engagements whenever they think it Improper to comply wth them; so that their addresses like many others are not much to be depended on being rather the sence of the drawers who furnish the words & Paragraphs & may be said to be as little understood as intruding by the greatest part of the Addressors; if their conduct afterwards be a reason Sufficient to forme A Judgment on; of this their adress to me (Inclos'd for your perusall) is a Sample & I should be glad I could truly Say that this had made it good in any one point, & here I must not Omit doing the Justice to Say that A majority of the house profess'd to be my friends & I am willing to believe an Equallity of them were really Sincere & to them (who Spar'd no pains) is owing w^t has been done; tho many of their notions were too confin'd & narrow to do as much as might Otherwise have been Expected from them, had there been no greater obstacle yⁿ this perhaps time and conversation might have remov'd it, but there grew So great a ran-cour among the members that they Shun'd the conver-

sation of Each other Out of the house, and could not preserve the rules of common decency in it descending to downright Scolding, giving the lye, threatening to Spit in the faces & were (as I am inform'd) often very nigh getting together by the Ears: & Seemingly or really so Irreconcileably divided that when any bill was proposed tho a good one by One part it was Oppos'd by the Other purely for Oppositions Sake, this to Some Gover^{rs} might not have been a disadvantageous Scituation; but I did not think the Governing by parties Eligible till I could not avoid the doing so, & us'd the differences rather as matters of diversion than otherwise: Sometimes expressing a concerne that good men Should be So Angry wth each other. This was their conduct During most of the time of their Sitting which was very Long; but before the close of the Sessions there arose a difference between them & the Councill; & tho they were far from Agreeing Amongst themselves in other matters yet, the majority of them Seem'd to unite heartily against the Councill in this: w^{ch} appearing to me of Dangerous tendency I thought it necessaay to dissolve them; & not Suffer a controversy of that kind to go any further, Inclos'd you have my Speech to them on the dissolution: with Apparent reasons for the doing of it: but the true one was for this their Extravagant & as I thought unwarrantable claim w^{ch} was the Cause of this difference, the case stands thus. There are two Acts pass'd in this Province to strike paper bills of credit: these two Acts have had the Royall assent,—the reasons assign'd in the preamble of these Acts are, for Encreasing the currency of this collony, for the better enabling the inhabitants to Support Government, discharge their Engagements & carry on their trade. In order to do those things this money is let out to Interest, and the Interest arising from it to be yearly paid in to the treasurers of the Province and by these Acts

this Interest money so paid to the treasurers is to be *dispos'd of to & for the Support of the Government in Such Sort, manner & forme, as by the Governour, Councill, & Generall Assembly, Shall be directed*,—By these Acts the money arising by the Interest is given and Apply'd to the Support of the Government and to be dispos'd of for that purpose; but how & in what man'er that is (as I take it) how much to the Governour & how much to other officers, & for other Services is left to the direction of the Governour, Councill, & Assembly, for the time being to Agree upon; whether this was to be done by Agreement without an Act of Assembly; or by an Act? might admit of debate; but whether with, or without an Act; the Councill were of Opinion that both they and the Governour; had by virtue of these Acts as much right as the Assembly to direct how & in what manner money long since rais'd & paid into the hands of the treasurers for the Support of the Government Should be apply'd to that use,—the Assembly indeed when they rais'd any money by act have pretended a right not to admit the council to amend a money bill & the Council on the Other side have insisted on a right to amend any bill if they thought fit; tho they Often declin'd doing of it rather than hazzard the Support of y^e government, but this they took to be a quite differant case because by the Express words of the Acts w^{ch} rais'd the money both governour and council as well as assembly were Impowered, to direct in the disposition of it; however, to avoid as much as might be any dispute on that head, the Council did proceed directly to make the Ammendments they thought necessary; but desired A conference with them on the Subject matter of the bill, the Assembly Naturally enough Concluding that the Councill Intended by this conference to propose Some Ammendment to the bill then Sent up the Support of the gov-

ernment not only refus'd to Conferr with them, but declar'd it to be inconsistent both with the Interest of the Province & the priveleges of their house to Admit of any alterations to be made in it. This they might have said if they had So pleas'd with respect to Any other bill or all bills & would have been if persisted in a totall Exclusion of y^e Councell, w^{ch} has all wayes been & still is one of the branches of the Legislature by his Majesties letters Patent: & whatever pretence they might have had with respect to a bill raising money upon the people, they had not the least collour for doing it in a bill w^{ch} was only made for the application of money allready rais'd & in the treasury; & w^{ch} by Virtue of Acts that rais'd it was to be applied by the direction of the governour & councill as well as themselves,—the Excluding one of the branches of the Legislature I conceiv'd to be a matter of too dangerous tendency & too Open an attempt on the constitution for me to let pass unnoticed; & I perswading my Selfe that my Conduct will on this head be approv'd by my Superiors

In Pensylvania they have a councill to advise the govern^r w^{ch}, as I am told have no voice in Legislation & their neighbours in this Province may for ought I know be fond of Such A Constitution: as being one great Step to render A governour Intirely dependant on the people, & the tool of their purposes; w^{ch} are not allwaies the best or most beneficial for themselves; but untill his Majestie thinks fit to make that the Constitution of this Government, it Seems to me an unwarrantable Step in the Assembly to attempt it, by a power Assum'd to themselves; & to be too like a vote formerly in England that made the house of Lords useless, but of this his Majestie & his Ministers before whom I am Oblig'd to lay their conduct will be the best Judges and of what is fit to be done. The Board of trade in a letter of theirs of y^e 13th novemb^r 1711

when the Assembly of New York Insisted that the Councill could not Amend a money bill Say that pretence is Groundless and will not be allow'd of in England the Councill having an Equall right with them in Granting money there being nothing in her majesties Commission under ye great Seale to the contrary, by virtue of w^{ch} they only Sit as an Assembly. I make no question the members of the present board will be of the Same Opinion and that if the Assembly pretence that the councill could not amend A money bill was groundless the pretence of Excluding of them totally from making any alteration in the disposition of money allready rais'd (& w^{ch} by Express words of the Acts that rais'd it Power was Given to the Councill Equally with the Assembly to direct in the disposition of it) is much more groundless & unreasonable.

I am Sorry to Say that Some of the people call'd Quakers were very Strenuous on this head against the Councill & were very much the Occasion of Carrying things this length: but as many of the members of that perswasion in the house were very much & Sincerely my friends I would hope that if Some of their friends in England would by letters hint to them the danger of this conduct the warm, & heady Amongst them might be prevail'd upon to become more moderate and to desist making of claimes w^{ch} I think can never be granted: but that I submit; the disposition of the people, their Jealousies of all govern^{rs} and their Strong Endeavours to render them intirely dependant upon themselves, tho' too notorious, is not Peculiar to this province only, it Increases as you go farther Eastward, & I think is rather more in New York than here; but with this difference that the Generallity here pretend a great Liking and affection to their governour; but there not. M^r Clarke who really is A man of understanding (& who I think has behav'd very well & with exceeding temper) has not been So

fortunate as to gaine upon the Affections of the people who Deem him a man of much Art; but Suspect his Sincerity, & ad to their generall Jealousy of all governours a very great Suspition of him in particular. the Generallity of those who dislik'd M^r Cosby's administration did firmly believe he was the director & adviser of all M^r Cosby's measures & tho' he Deny'd he was So & charg'd All their missteps to the account Coll^l Cösbys lady and took quite different measures in his administration yet his denyall did not obtain So much credit as was expected. On the Other side the Partizans of M^r Cösbys administration whether it was from dissappointment of Mr Clarkes not entring into their measures with So much warmth as they Expected he would or for what other reason began Seemingly or really to grow coole towards him and after that so Violent against him as to exceed all manner of decency in the Oppositⁿ they made; they upbraid him in all companies & some of them as I have been told went so far (of w^{ch} it is Said the brother of the chief Justice was one) as to come close to the fort walls when his Lady and daughter was walking upon the ramparts & abuse them in a most vile manner calling Each of them whores & pretended to name the places, times, & persons, where, when, & with whom they had entertained Criminal conversations. M^r Clarke prudently declining to take any notice of this, confirm'd the Others in the Opinion they had entertain'd that this difference was all pretence & y^t he was embark'd in the Same bottom with them or would have taken notice of this & 20 other Instances of Mall treatment he had receiv'd and had been given to Others w^h they Said might have been effectually don by changing a Sherri^f made by Cosby w^{ch} he had been petition'd by Some hundreds to do, but would not & w^{ch} Sherri^f generally return'd some of these rude people on the Grand Jury. the dissolution of y^e last Assembly

which had done more than he could have expected of them farther confirm'd these Suspicions for tho' the Opposite party had by methods not as is Said altogether Justifyable got one of their party into the house in the room of one of the Other y^t dyed & had gain'd Some of the members yet they Soon lost them & then began to appear a disposition to peace & settlement but the Sudden dissolution put a stop to its being done by these hands I was an Intire Stranger to the thing; being not at all advis'd with about it nor do I learne y^t my son was & was much Surpris'd when I hear'd it being a misterious piece of conduct which none could Account for but those let into the Secret. The prevailing Opinion was that he had now thrown off y^e mask & was sure of the Other party; and his Speech to them Since confirms them in that Opinion w^{ch} they say would not have been what it is if he had not well known who he had to deale with; for my part I hardly know what to Say about it, he may possibly Succeed; but I very much Question it, if those Suppos'd of his party are not very great masters of dissimulation no thing has been left unsaid by them to bring in men Very Opposite to his Interest, & should those let into the Secret (if such there be) pretend to change Opinions & decline passing in the house the arguments of a halfe Sallary being Sufficient & that for one yeare for a Lieutenant governour w^{ch} were the popular topicks they made use of to get themselves & others chosen I doubt much if they would Succeed; but that a little time will discover.

I have been the more full on this head on the Score of the letter you hon^d me with of the 15th of Jan'y. I cannot easily Express the Obligations I think mySelfe under to you & am Sencible of those I ow to M^r Walpole & would be gladly Serviceable to M^r Clark or any friend of his or Yours. I wish it was as much in my power as Inclination to reconcile & put an end to the

animosities in New York in Such a manner as would make them friends to the governour & government as well as one another; but that considering the generall Inclinations of the people requires greater talents than I am master of & M^r Clarke has too great A knowledge in the Scyence of government to need my Advice Should he condescend to Ask it. Time may discover strange Events but if I can forme any Judgm^t from the present face of things that governm^t will be in no likelyhood of Settlement unless A govern^r in chief is Sent among them & he Should be as I think one of no mean abillities that can Succeed in So difficult an undertaking without the aid of a British Parliament: but I feare I say too much.

Our Assembly have Setled a Support for three Years and would have it believ'd that they have done wonders, my share of it is £1000 per annum w^{ch} was about 600 Sterling but is now about 550£ Sterling & my whole perquisites will not Exceed £70 Sterling p^r Annum if it comes up to it, the other officers of the Government are So scantily provided for that they can scarce performe the Services required of them & at the Same time there is Sufficient in the Treasury for an ample provision for all of us. The assembly thought that in this Support they had made an Ample provision for me, or would have it thought so by others; but unless they mend their hand I can't see that I can lay up any thing by it, the holding of the Sessions of Assembly in two different places & keeping two Secretaries offices causes an Encrease of Expense & is inconvenient to the Inhabitants of w^{ch} they are Sencible, as may be Observed from their addresse to me. The Instruction Obliging to that was a concession the Crown Agreed to upon the Surrend^r of the Government; but it being on all hands agreed to be inconvenient; & the circumstances both of things and of the Proprietors Interests with respect to

their Scituation being now very much altered, the reason of it doth not now continue the Same it was; & I am in hopes his Majestie may be induc'd to leave that matter to the govern^r & councill

I have wrote a book instead of a letter but believ'd the being particular would give you the best Accounts of things So as to enable you to form a Judgment of them and am Sir

Your most obliged &c L. M.

To the Right Honble Sir Charles Wager first Lord Commiss^r of the Admiralty & one of his Majesties Most hon^{ble} Privy Counsel.

*From Ex-Governor Hamilton to the Lords of Trade—
complaining of certain proceedings of Governor
Morris.*

[From P. R. O. B. T. New Jersey Vol 4. F 33.]

Letter from M^r Hamilton late Commander in Chief of New Jersey, dated May 30th 1739, complaining of Col: Morris the present Gov^r for threatning to sue him for the Salary he received as President, when he commanded.

Amboy May 30th 1739.

My Lords

I humbly hope your Lordships will pardon the presumption. I now am Guilty of by taking up Any of your time with my trifleing Affairs but Your Lordships haveing been pleased to Approve of My Conduct during the time I presided in this Province & directed me in a Letter You did me the honor to Send of the 22^d of June 1737 to doe my utmost to preserve the tranquility of the Province under my Command untill

the Arrival of the Lord De La Warr. I take the Liberty to Acquaint Your Lordships that as Soon as Coll^o Morris rec^d his Commission for Governor of this Province he came here to publish it and att the Same time did declare he came as an Intire Stranger and Void of all resentments to Any person whatsoever. In the Winter Coll^o Morris held An Assembly att Amboy in the Council I acted as President & forwarded his Majestys Interest & the good of the Country as much as Lay in my power the first Council that was held after that Assembly was dissolved the Warrants for the Salarys of the Officers of the Govern^t were Signed, I Applyed for my Salary as Commander in Cheif from the 23^d of June 1738 (to which time I had received My Salary) to the 28th of Aug^t following the day he published his Commission w^h he not only refused to grant but likewise told me he Expect'd I Should pay him all the Salary I had received as President of the Council from the 20th of Oct^r 1736 the time he came here and demanded the Govern^t & that If I did not pay him he Should be Obliged to Sue me. I told him if he did & Judgment went against me I would certainly Appeal Since that I have not heard any thing further nor doe I yet know what he Intends to doe, however I thought it my duty to Acquaint Your Lordships with it & begg You will consider what a Situation I shall be in if he does, He is the Govern^t has made his Youngest Son Cheif Justice of the province. & Appoints Sheriffs & other Officers of the Court. So if I should be Cast I must first Appeal to him in Council befor I can carry it to England wherein I may meet with great difficulty. I humbly begg Your Lordships will be pleased to consider me I hope You will pardon me for this Long Acc^t

I have the Honor to be wth the most profound regard

My Lords Your Lordships most humble

and most Obedient Servant

JOHN HAMILTON

*Letter from James Alexander to Peter Collinson'—
relating to his difficulties with Governor Cosby
and President Clarke.*

[From the Original Draft in Rutherford Collection, Vol. IV, p. 63.]

New York June 4 1739.

Sir

hearing by this post that a new Gov^r is nominated for this place, tho' I am Extremely Straitened in time yet Least the news should prove true I thought that I ought not to miss this opportunity of answering yours concerning my place in the Council as particularly as I could.

About 18 years agoe I was appointed one of the Council of New York by Governor Burnets recommendation on his first arriveal to whom I was in the Strongest manner recommended by Brigadier Robert Hunter his predecessor who were two of the best Gov^{rs} that ever this place has had & if I am not out, I am now the oldest but one of the Council.

I Stood So well with Brigadier Hunter Gov^r Burnet & Gov^r Montgomerie, that I was not without Envy on that head, tho God knows it I never used my Interest with them to the hurt of this my Country or any one in it but the Contrary to the utmost of my power.

Before Coll Cosby Came I thought I Laid in a Sufficent Stock of Obligations upon him that I might have Stood as well or better with him than any former Gov^r because he was more Obliged to me before ever he

¹ PETER COLLINSON was for many years the business correspondent of Mr. Alexander in London, making purchases for Mrs. Alexander's store, and performing important services otherwise—ED.

Saw me than any one in this place & by the advice & assistance I gave him in England before his arriveal here he owned he Saved the payment of the Companys here which was at Least £2000 p^r annum to him all the time of his Government.

The assistance I gave him was not by advice before hand only but also by Advancing much above 4000 of our money for the payment of the Companys before his arriveal when no other body would do it at first to Save him from the necesity of the thing because no provision was [made] for it and afterwards by his approbation & thanks for what I had done & Express directions to Continue to do So till his arriveal.

Upon his arriveal he Seemed very gratefull for these Services, but Soon after I had a notice from my friends Penn & Barclay that his agent refused payment of above £500 Sterling of what I advanced at his request, which I acquainted him of & he buffled with me about it for three months when I would be no Longer so put off. I told him I must beg his appearance to a Suit ag^t him for my money, & beg'd that it might make no alterration of friendship betwixt us—This put him in a Rage & Storm in which he threatned terribly; on this Treatment I immediatly Engaged all the best Council in this place ag^t him—he Sent soon to the Same Council but found I had been before hand with him, upon which he Complied by giving me a Note under hand for bills of Ex^t to the value of my Demand but £140 of that money is still unpaid & Ever will be I Suppose for I happened afterwards on a Shop account to Sign a Rec^t in full of all Demands without reading it thinking it to have been drawn in the Shop by my Wifes Directions & he had the grace to Declare he made use of that to barr me of that demand under his own hand.

This usage of me to whom he was So much Obliged was but the first appearance of his madness (the most

charitable name I can give to his Conduct here) it Soon broke out after with a full Lustre ag^t M^r Vandam Coll Morris & others, & Did Such things that few men thought their Lives, Libertys or Estates in that Colony in Safety, I heartily opposed his mad measures, This Led him to represent me in a Strange Light to the board of Trade, They without hearing me (tho a Caveat was there Entered) & without any proof reported ag^t me to be Displaced but Coll Morris hearing of it before confirmed in Council wrote to Lord Wilmington against it, which put a Stop to the Matter then & there it Lyes unconfirmed—but I have been too Long on that Madman—to come a little nearer to the point, most men believed that M^r Clark was an adviser & a helper in Cosbys Schemes in order to ruin him & make way for himself (tho he has Strongly Denied it since his Death) Cosby Suspended Vandam to make room for Clark to be president—most men abhorred the action & believed the Suspension Died with Cosby because not in the Kings name but a personal act of Cosbys of which opinion I was and still am & Disowned M^r Clarks government as president accordingly. I was not once Summoned to Council from the time of my threatning of Cosby with a Suit as before till the day of his death when I was Summoned & opposed M^r Clarks taking the Government on him, but M^r Vandam was heard & had my dissent Entered on the minutes of Council & a Copy of my dissent attested by the Clerk as a proclamation The Council Delivered me [?] but notwithstanding that Caution notifying the death of Cosby & his taking the Government by unanimous advice of the Council nameing my name the first of them. I Lookt on this as a horrid abuse of me & immediatly I published a Declaration that I had not advised or Consented as that proclamation Set forth—various papers were published on this point from the 10th of March 1735–6 the

day of the death of Cosby to the 12th of April 1736, which may be Seen in Bradfords & Zengers papers here, when M^r Zengers paper of that Last day in my behalf . . . ? . . without answer, all men being Convinced of the abuse put upon me by the proclamation & Bradfords papers in Support of it—which the minutes of Council Showing my Dissent (durst I have Cited them) might have done at once.

M^r Clark had got the Seals & the Majority of the Council on his Side but a vast Majority of the people Lookt on him as an Usurper in prejudice of Vandam, however the plan was kept no material Step of Either Side being taken to break it Leaving things just as they were at Cosbys death till September thereafter when Magistrates for this City were by the Charter to be Elected & a new Mayor was to be appointed by the Commander in Cheif and as it remained a Doubt who was Commander in Cheif & consequently whose nomination of a Mayor Should be accepted it was put to the vote on the day of Election of Magistrates & unanimously by the Electors of the whole City voted to accept of M^r Vandams nomination of a Mayor. M^r Clark appointed one & Vandam another, but before the time for their Entring on the office M^r Clark was approved from England & had a Commission to be Lieut Governour—On this all opposition to him as to being Commander in Chief Ceased—he treated me in the Same manner as Cosby by not Summoning me to the Council—the Assembly that had sat for near ten years & who the people were much disgusted at for not opposing Cosby in his measures, to retrieve their Credit with the people began to oppose M^r Clark & would give him but half the Salary usually given to a Gov^t he thereon dissolved the Assembly— & his greatest former opposers while president were chosen— amongst which I happened to be one— he promised Some good Laws to give us Something of a Constitu-

tion (besides will & pleasure in Consideration of which we granted him full Salary & all his arrears (not out of any affection) I believe he owed it pretty much to me that he got it, we were willing to pay him full Salary from year to year would he govern well & consent to Laws necessary for the Colony, which the first Session of that Assembly he Seemed pleased with but before the next Session he found means to prevail on a Considerable number of that Assembly to accept offices of him & consequently in the opinion of the people. to become Dependent on him, this he well knew had ruined their Interest with their Constituents & therefore at the beginning of the next Session he treated them with a Motherly air & demanded a five years Salary to be paid at once upon him—he had not Corrupted Enough to Consent to that tho no Stone was Left unturned to do it he Courted me and my family heartily but in vain & he knows I was a Considerable Instrument to prevent his Obtaining his aims.—not out of any pique to him but because by Dear Experience we have found it prejudicial to the Country to give a five years Salary for . . (!) . . governours Have got that but they have Set plundering Schemes on foot as Cosby did with a witness—being so baulkt of his aims.—he Dissolved that assembly at the new Choise it was objected to me that I had been for full Salary & would be a friend to M^r Clark in all his measures of a five years Salary &c—to be for a full Salary I would not Disown while he governed well, for it was my opinion be what he will that he ought to be paid well while he governed well, but as to a five years Salary I was Content to give any assurances that I would not be for it and that I would be for all the Laws that the Country had at heart—a Declaration by way of Question & answer was drawn up to this purpose to which my Colleagues & I agreed

* * * * * The votes on the Election were very

near but my fellow Candidate & I Lost it, but I believe we might have had it, had the half of the pains been taken that was taken on the other Side as for my part I never asked one to vote for me * * * * A great part of this you may think out of the way, but I thought it necessary to show you how I Stand with Mr Clark, who no body doubts is a man of good sense & of vast reach & cunning & who has governed so as to give no Just Cause of Complaint to any one that I know of & while he does So I wish he may continue our Governour & yet no man believes he has one grain of nor any regard for any man but in Exact proportion to the benefite he can make of him, but to come the point I believe that would I have applyed or would Still apply to him to recommend my restoration, that he would be much pleased with my request & promise to grant it, but whether he would perform his promise is what I can in no ways depend on—On the Contrary I have reason to believe he would publish that my request in order to ruin my interest with the people he has given more than one instance of the like—I Incline not to put these in his power nor to Lye under any Obligation to him & will rather Chuse to Remain out of my place in the Council for ever.

I want not to be restored while he is Governour all I would desire is that when a new Governour is nominated that I may then be put in my right place & in order to that I think his Recommendation can no ways be wanting.

If a new Governour be nominated as is Said Now must be the time before the Instructions pass for to do this & I gratefully Embrace your offer of Service on this head. I am heartily Sorry for the death of Capt Norris had he been alive he would have heartily assisted in this with all his Interest. If Mr Paris can be helpful, I believe he will readily Lend his assistance

in it at your request for he it was that Entered the Caveat ag^t Determining on any representation of Cosby ag^t me till I was heard & to him I Sent Certificates of my Character from Sundry Grandjuries of New York & New Jersey upon oath Attested under the Great Seal of New Jersey & under the Seal of the City of New York which he has but the Charge that woudl attend a hearing before the King & Council on this matter hindered Coll Morris then in England from proceeding in it he being in the Same representation & report that I was, & So till this time it Lyes. If Thomas Orby Hunter son of Gov^r Hunter be in town, I believe he will readily at your request do all in his power in the matter how much that may be I know not. * * * *

JAS. ALEXANDER.

From James Alexander to Mr. Rodrigo Pacheco—enclosing the foregoing letter.

[From the Original Draft in Rutherford Collection, Vol. IV, p. 63.]

New York June 4th 1739

Dr Sir

[Extract.]

Capt Pierce told me that Peter Collinson was the man who (unaskt of me) put S^r Charles Wager upon getting me restored to the Council of New Jersey

M^r Collinson is a man of good Interest w^t Sir Charles & has Since offered his best Services to procure me the Same favour for New York has taken Some pains about it (also unaskt) & advises that it would be Easy had I M^r Clarks recommendation, the within is Chiefly to shew M^r Collinson that I cannot be restored that way. What I would beg of you is to peruse the enclosed & to Seal it, & if the above news be true [the reported nomination of a new Governor] to take an opportunity

to Deliver it to M^r Collinson, & if you please to tell him you are personally acquainted with me and will give my Character when askt Also if you think you can otherwise be helpfull to him in the Matter to Offer him your Service. But if no Governor be nominated I would only, have you send the enclosed & have no Stir in the matter for I believe its as M^r Collinson Says that Clarks Recommendation is a necessary requisite during the time of his Government, & as I shall not apply for that any Stirr in the matter would be Labor in vain—Should at any time hereafter a Governour be nominated Then I beg of you upon the first notice of it to * * * on M^r Collinson for the purpose before Being in haste I remain

D^r Sir

JAS^s ALEXANDER.

*Report from the Board of Trade to the House of Lords
—relating to the Currency in America.*

[From P. R. O. B. T. Plantations General No. 36, Ent. Book G, p. 245.]

To the Right Hon^{ble} the Lords Spiritual & Temporal in Parliam^t Assembled.

May it Please your Lordships

His Majesty having been pleased by his Order of the 15th of June last, pursuant to Your Lordships Addresses of the 13th of the same Month, to direct the Commiss^{rs} for Trade and Plantations to prepare & lay before your Lordships at your next Sessions, “An Account of the Amount of the Paper Bills or Bills of Credit, which by Virtue of any Act or Acts of Assembly subsisted or passed in Payment in any of the British Colonies or Plantations in the Year 1700, & also an Account of the Amount of what Paper Bills or Bills of Credit of any Species or Kind, have, by Virtue of any such Act or Acts, been created or issued in any of the said Colonies or Plantations

“since the Year 1700, with the Amount of the Value
 “in money of Great Britain, of such Bills at the re-
 “spective times of their creating and issuing, and
 “what Provision was made thereby for the sinking or
 “discharging of any such Paper Bills or Bills of
 “Credit, together with an Account of the Amount of
 “the Bills that have been sunk or discharged in pur-
 “suance thereof, and also of the Bills subsisting or
 “passing in Payment at this time in any of the said
 “Colonies and Plantations, with the Amount of the
 “Value in money of Great Britain of such Bills, dis-
 “tinguishing each Species or Kind of Paper Bills or
 “Credit and each Colony and Plantation;” and like-
 wise an Account,

“What Rates all Gold and Silver Coins were ac-
 “counted, received, taken or paid, and Gold and Sil-
 “ver were purchased at & sold for p^r ounce, in any of
 “the British Colonies & Plantations in America, in
 “the Years 1700, 1710, 1720, 1730; and at what Rates
 “Gold and Silver Coins are accounted, received, taken
 “or paid, and Gold and Silver are purchased at or sold
 “for p^r ounce at this time in the said Colonies and
 “Plantations, distinguishing each Colony and Planta-
 tion:” We take leave to represent,

That not having sufficient Vouchers in Our Office, to make out an Authentick Acc^t of Matters of so long a Retrospect, We immediately wrote, in Obedience to the said Order, Circular Letters to the several Governors of his Majesty's Plantations in America, inclosing your Lordships said Addresses, & directing the said Governors forthwith to prepare & transmit to Us the several Accounts therein required.

In Answer to which Letters, We have received the Returns hereunto annexed from the Governors of his Majesty's Provinces of New York, New Jersey, the Massachusetts Bay, & New Hampshire, and from the Deputy Governor of Pennsylvania, & the three Coun-

ties of Newcastle, Kent and Sussex upon Delawar River, and the Lord Proprietor of Maryland; and also from the Governors of the Islands of Antigua, St Xtophers, and Montserrat, Barbados and the Bermuda Islands; and crave Leave to lay the same, as they were transmitted to Us, before your Lordships, as We shall do the remaining Answers upon the same Subject, as soon as We shall receive them.

All which is most humbly submitted,

Whitehall
March 27th 1740.

MONSON
JA: BRUDENELL.
R. PLUMER
R. HERBERT
M BLADEN
EDW^d ASHE.

N. B. This & the Papers therein mention'd with a List of them, were presented to the House of Lords by Lord Monson, on Friday 28th March, 1740.

List of Papers relating to the Paper Currency & Value of Gold and Silver Coin in America, presented by the Commiss^{rs} for Trade & Plantations to the House of Lords & Commons, pursuant to their Addresses to his Majesty of 13th day of June 1739.

1. An Account of what Bills of Credit have from time to time been emitted in this his Majesty's Colony of New York, &c.

March 27th. 2. An Account of the Value of Money in New York from the Year 1700 to the Year 1739.

3. Report from the Comm^{ee} of the Council of New Jersey concerning the Paper Currency & the Value of Gold and Silver Coin.

4. An Account of Bills of Credit issued in the Province of Massachuset's Bay &c.

5. Account of Province Bills made by Order of the

Gen^l Court &c. for the Massachuset's Bay in New England.

6. Account of the Paper Currency in New Hampshire in New England.

7. Account of the sev^l Acts passed in the Province of Pennsylvania for creating or issuing Papers Bills or Bills of Credit &c^a

8. Account of the sev^l Acts of Assembly passed in the Governm^t of the Counties of Newcastle, Kent & Sussex on Delaware for creating or issuing Paper Bills of Credit &c.

March 27th 9. Report from two Members of the Council of Antigua to W^m Mathew Esq^r Gov^r of the Leeward Islands, concerning the Value of Gold & Silver in that Island, dated Jan'y 2^d 1739-40

10. Report from the President of the Council of S^t Christophers, concerning the Value of Gold & Silver in that Island dated Dec^r 12, 1739.

11. Letter from M^r Wyke, President of the Council of Montserrat to Gov^r Mathew, concerning the State of the Coin in that Island, dated Decem^r 14th 1739.

12. Account of Paper Currency in the Province of Maryland.

13. Letter from M^r Dottin, Com'ander in chief of Barbados concerning the Rates of Gold & Silver Coins, & the Paper Currency in that Island, Dated Nov^r 9th 1739.

14. Extract of a Letter from M^r Popple Gov^r of Bermuda, concerning the Rates of Gold & Silver Coins in those Islands, dated Dec^r 20th 1739.

N. B. The Return from S^c Carolina was not reced till after these Papers were laid before the Houses of Parliam^t & therefore was not presented till 15 & 16 April by L^d Monson & M^r Plumer.

Vide Journal of those days.

State of the Paper Currency in the British Plantations.

[From P. R. O. B. T. Plantations General, Vol. X, N 40.]

Abstract from the Several Accounts [of the Paper Currency] returned by the Gov^{rs} of the said Plantations to the Lords Commiss^{rs} for Trade & Plantations, and by their Lordships laid before both Houses of Parliament in March and April 1740.

NEW JERSEY.

| | | |
|---|-----------|--------|
| We do not find that any Paper Mony was Issued in New Jersey, before 1709 in which Year An Act passed for Issuing the Sum of | - - - - - | £3,000 |
| Another Act in 1711 for | - - - - - | 5,000 |
| 1716 | - - - - - | 4,670 |
| 1723 | - - - - - | 40,000 |
| 1730 | - - - - - | 20,000 |
| 1733 | - - - - - | 40,000 |

The best Information We can obtain in regard to the real Value of these Bills, at or near the times of their being Emittted, is by a Letter from M^r Morris the Present Gov^r of that Province dated May y^e 26th 1739 inclosing An Address from a Committee of the Council of that Province on this Subject wherein it is asserted that from the Year 1709, to 1714 the Exchange was £150 Paper Mony for £100 Sterling and rose gradually from 1714 to 1739 to £165 Paper Money for £100 Sterl: and that when the said Gov^{rs} Letter came away the Exchange was risen to £170 Paper Money for £100 Sterling

All the said Paper Mony Issued by the first four Acts of 1709, 1711, 1716 and 1723 has been called in and Sunk as was directed by the said Acts and all the Paper Mony now Current in that Province is £60,000 Issued pursuant to the Acts of 1730 & 1733 and is now worth about - - - - - £35,300 Sterl:

This was laid before the Parliament

*Report of Robert Dinwiddie to the Lords of Trade—
on the Trade of the British Empire in America.*

[From P. R. O. B. T. Plantations General, Vol. X, N 45.]

A Computation of the Value and Trade of the British Empire of America; As also, An Account of the Number of Fighting Men in each Colony or Plantation. By Rob^t Dinwiddie Esq^r and by him presented to the Board April 29th 1740

To the Right hon^{ble} the LORDS COMMISS^{rs} for
TRADE and PLANTATIONS.

MY LORDS'

I have been at a great deal of Trouble and Expence to inform Myself of the Trade of his Majesty's American Empire, and the annuall amount of the National Produce of each Colony or Plantation: I give You the following Thoughts, Observations and Calculations, which is partly from my own knowledge and from the best informations I possibly could get; If it's thought worthy your Notice, it will fully ans^r my hopes. I shall therefore, to make it Somewhat regular, first,

First—Give You an Account of the number of Vessells belonging to his Majesty's Subjects in America,

distinguished by each respective Colony, beginning with Newfoundland and ending with Barbados.

Secondly—An Account of the number of Vessells belonging to Great Britain and Ireland trading to the American Colonys and Plantations.

Thirdly—An Estimate of the Value of the Vessells belonging to America, and those trading from Great Britain and Ireland thereto.

Fourthly—An Account of the Amount of the naturall Produce of each Plantation by the improvement and manufacturing of the British Subjects in those Parts.

Fifthly—An Estimate of the amount of Goods from Great Britain and Ireland annually carried to the Plantations in America, and to the Coast of Guinea.

Sixthly—The amo^t of Cash, Dye Woods, Druggs, Cacao &c: brought into our Plantations, being the Consequence of a Trade with Spanish and French Colonys.

Seventhly—The whole brought into an Account, by which You will be able to observe the considerable Value of our American Trade.

I then shall endeavour to give an Acco^t of the number of Subjects in each Colony fitt to carry Arms, this entirely from Information, and then the Account of Slaves used in the Sugar Plantations, their Value and Value of the Works &c necessary for Sugar Plantations.

First—Is Account of the Vessells belonging to his Majestys Subjects in America distinguished by each Colony, beginning at Newfoundland and ending at Barbados

| | Vessells |
|--|----------|
| Belonging to Newfoundland, - - - - | 25 |
| The Government of New England Vessells of different Denominations used in foreign Trade | 750 |
| In the Same Governm ^t intirely employed in Fishing and Coasting being Sloops & Schooners | 250 |

| | |
|--|-------|
| In Connecticut and Rhode Island in foreign Trade | 260 |
| In Ditto used in Fishing and Coasting Sloops and Schooners - - - - - | } 150 |
| In New York and Jerseys, in foreign Trade and in Coasting &c: - - - - - | |
| In Pennsylvania and the lower Countys - - - | 70 |
| In Maryland - - - - - | 60 |
| In Virginia - - - - - | 80 |
| In North Carolina - - - - - | 25 |
| In South Carolina - - - - - | 25 |
| In Bermuda - - - - - | 75 |
| In Providence and Bahama Islands - - - | 20 |
| In Jamaica - - - - - | 30 |
| In Leeward and Virgin Islands - - - - - | 35 |
| In Barbados - - - - - | 20 |
| | <hr/> |
| | 2035 |
| | <hr/> |

You'll Please to observe there is two thousand and thirty five Sail of Vessells of all Dimensions and Denominations, belonging to his Majesty's Subjects in America, which, I believe, is rather under than above the exact number, But must notice that upwards of five hundred of them are small and used in the Fishery and Coasting Trade, which will be noticed when we come to the Valuation of them.

Secondly—Here follows the Account from information of the Ships &c: Trading to and from America belonging to Great Britain and Ireland distinguished by the Trade they are concerned in.

| | |
|--|----------|
| | Vessells |
| To Newfoundland with the Fisherman and those employed in carrying Fish to the diff: Markets } | } 80 |
| To New England and Nova Scotia - - - | |
| To Connecticut and Rhode Island - - - | 6 |
| To New York and the Jerseys - - - - - | 8 |
| To Pennsylvania - - - - - | 10 |
| To Maryland - - - - - | 95 |

| | | | | | | | | | |
|--------------------|---|---|---|---|---|---|---|---|-----|
| To Virginia | - | - | - | - | - | - | - | - | 120 |
| To North Carolina | - | - | - | - | - | - | - | - | 30 |
| To South Carolina | - | - | - | - | - | - | - | - | 200 |
| To Jamaica | - | - | - | - | - | - | - | - | 100 |
| To Leeward Islands | - | - | - | - | - | - | - | - | 151 |
| To Barbados | - | - | - | - | - | - | - | - | 80 |
| | | | | | | | | | 900 |

| | | |
|---|---|------------|
| Add to the above One hund rd and fifty Sail from | } | 150 |
| Great Britain and Ireland to the Coast of | | |
| Guinea, and so to the Plantations - - | | |
| | | <hr/> 1050 |

Thirdly—An Estimate of the Value of the Vessels belonging to the Subjects of America, and Those belonging to Great Britain and Ireland Trading to the diff^t Colonys &c:

| | |
|---|-----------|
| 1065—Ships, Snows and Brigantines belonging to the American Subjects trading to foreign parts, valued at a medm £1000 St ^r each is | 1,065,000 |
| .970—Sloops and Schooners of smaller Size and Burthen, valued one w th the other at £400 St ^r each is | .388,000 |
| .900—Ships, Snows &c from Great Brit ⁿ and Ireland to and from the Plantations, valued at £1,200 each | 1,080,000 |
| .150—Ditto from Great Britain and Ireland to the Coast of Guinea and the Plantations, with extraordinary Outfits £1500 Ea: | 225,000 |

| | |
|------------|------------|
| 3,085 Sail | £2,758,000 |
|------------|------------|

Fourthly—An Estimate of the Natural and Improved annuall Produce of his Majesty's American Colonys and Plantations, distinguished into each Colony or Plantation.

| | | | | |
|------------------------------|---|---|---|----------|
| Newfoundland by Fish and Oyl | - | - | - | £100,000 |
|------------------------------|---|---|---|----------|

| | |
|---|---------|
| New England and Nova Scotia by Fish, Oyl, Whalebone, Cattle, Lumber Pitch, Tarr, Turpentine, Building of Vessels &c: | 800,000 |
| Connecticut and Rhode Island, with the same Commodities and Sheep, Corn, Bread, Flour, Cheese and Butter - | 150,000 |
| New York and the Jerseys with the same, and Tarr, Copper-Ore, Iron and Wheat | 250,000 |
| Pensylvania and the Lower Countys the Same & Tobacco - - - - - | 280,000 |
| Maryland, in the Same - - - - - | 200,000 |
| Virginia in the Same, with Pitch, Tarr, & Turpentine - - - - - | 250,000 |
| North Carolina in the Same - - - - - | 60,000 |
| South Carolina in D ^o with Rice, - | 200,000 |
| Bermuda, in Plett, Live-Stock, Fish, Oyl, Cabbage, Onions, & Stones for building | 10,000 |
| Bahama Islands in Salt, Timber, Plank, Barke, Turtle Shell, Braz: wood & Fruit | 15,000 |
| Jamaica in Sugar, Mellasses, Rum, Cotton, Limejuice, Ginger, Indico, Coffee, Al- loes, Pimento, Turtle Shell, Mahogany Timber, and Plank - - - - - | 500,000 |
| Antigua in the Same Commodities - - - | 250,000 |
| S ^t Christophers - in Ditto - - - - | 220,000 |
| Nevis - - in Ditto - - - - | 50,000 |
| Mountserratt - in Ditto - - - - | 50,000 |
| Anguilla - - in Ditto - - - - | 15,000 |
| Tortola - - in Ditto - - - - | 30,000 |
| S ^{ps} h Town - in Ditto - - - - | 15,000 |
| Barbados - - in Ditto - - - - | 300,000 |

 3,745,000

Fifthly—The amount of the Value of
Goods Ship't from Great Britain and
Ireland to our British Plantations and
the Coast of Guinea is annually by Com-
putation - - - - -

2,550,000

Sixthly—A Calculation of the amount of Cash, Dye Woods, Druggs, Cocoa, &c: imported to the British Plantations, being the consequence of a Trade carried on to Spanish and French Dominions in America. That Trade in New England, Connecticutt and Rhode Island in Dye Woods from Honduras,

| | | |
|-------------------------------------|---------|----------|
| Some Cash and Cacao amo': to yearly | - - | 100,000 |
| To New York (circa) | - - - - | 25,000 |
| To Bermuda | - - - - | 10,000 |
| To Jamaica | - - - - | 250,000 |
| To Leeward Islands (circa) | - - - - | 20,000 |
| To Barbados (circa) | - - - - | 20,000 |
| | | <hr/> |
| | | £425,000 |
| | | <hr/> |

It's to be observed that as this is the Produce of foreign Colony's, it's mentioned by itself, to Shew the amount of that private Branch of Trade, and tho' it's carried on with Goods from Britain and Negroes, which is before considered in the Calculate, yet it's conceived, that the addition of this will not over Rate our American Trade.

Seventhly—The whole brought into an Account by which You may See the Amount of the above American Trade.

| | |
|---|-----------|
| The amount of the computed Value of the Vessells trading in America, including those belonging to the Merchants of Great Brit ⁿ and Ireland being 3085, which amo': to | 2,758,000 |
| The Amo' of the Natural and Improv'd Produce of the British Colonys, which employ the above Vessells | 3,745,000 |
| The amo' of Goods from Great Britain and Ireland to the Plantations and Coast of Guinea annually | 2,550,000 |

| | | |
|---|---|-------------------|
| The Amo ^t of a Casual Trade carried on to the Spanish and French Settlem ^{ts} in America annually (circa) | } | 425,000 |
| | | <hr/> |
| | | <u>£9,478,000</u> |

You will please to observe that the whole Trade to and in America, belonging to his Majesty's British and American Subjects (Hudson's Bay only excepted) amounts yearly to Nine Million four hundred and seventy eight thousand pounds; This includes the Value of the whole Navigation, the annual Supplys from Great Britain and Ireland, the Naturall and Improved Produce remitted to Europe from the Plantations and Colonys, as well as the Supplys given each other by their Traffick and Commerce from one Colony or Plantation to the Other.

I now come to give an Account of the number of fighting Men in the British Empire in America, distinguished by each diff^t Colony and Plantation, including his Majesty's regular Forces as well as Palatines, Germans &c: the Calculate is taken from the Years of Sixteen to Sixty, by Informations given me from each Colony and Plantation.

| | | | | | | | |
|------------------------------------|---|---|---|---|---|---|--------|
| In Newfoundland | - | - | - | - | - | - | 400 |
| " New England and Nova Scotia | - | - | - | - | - | - | 38,000 |
| " Connecticutt and Rhode Island | - | - | - | - | - | - | 8,000 |
| " New York and the Jerseys | - | - | - | - | - | - | 10,000 |
| " Pennsylvania & the lower Countys | - | - | - | - | - | - | 50,000 |
| " Maryland | - | - | - | - | - | - | 10,000 |
| " Virginia | - | - | - | - | - | - | 12,000 |
| " North Carolina | - | - | - | - | - | - | 2,000 |
| " South Carolina | - | - | - | - | - | - | 4,000 |
| " Georgia | - | - | - | - | - | - | 1,000 |
| " Bermuda | - | - | - | - | - | - | 800 |
| " New Providence | - | - | - | - | - | - | 450 |
| " Jamaica | - | - | - | - | - | - | 5,000 |

| | | | | | | | | |
|--------------------|---|---|---|---|---|---|---|---------|
| In Antigua | - | - | - | - | - | - | - | 2,200 |
| “ Mount Serratt | - | - | - | - | - | - | - | 600 |
| “ Novis | - | - | - | - | - | - | - | 600 |
| “ St Christopher's | - | - | - | - | - | - | - | 1,200 |
| “ Anguilla | - | - | - | - | - | - | - | 150 |
| “ Spanish Town | - | - | - | - | - | - | - | 150 |
| “ Tortola | - | - | - | - | - | - | - | 200 |
| “ Barbados | - | - | - | - | - | - | - | 4,500 |
| | | | | | | | | <hr/> |
| | | | | | | | | 151,250 |
| | | | | | | | | <hr/> |

I believe there is not less than One hundred thousand Negroes in the Colonys on the Main of America.

I presume it will not be disagreeable to give You a Small Detail of the Charges attending the Sugar Islands in Planting and Manufacturing their Sugars; as their Charge in Negro Slaves is the greatest of their Expense, I shall hereafter give You the Numbers from the exactest Accounts, and that distinguished by each different Plantation or Island.

| | | | | | | | | |
|-----------------------------|---|-------|-----|---|----------|---|---------|--------|
| Jamaica has Negroes | - | - | - | - | - | - | 90,000 | |
| Antigua | - | - | - | - | - | - | 28,000 | |
| S ^t Christophers | - | - | - | - | - | - | 20,000 | |
| Nevis | - | - | - | - | - | - | 9,000 | |
| Mount Serratt | - | - | - | - | - | - | 9,000 | |
| Virgin Islands | | | | | | | | |
| (viz.) Anguilla | - | - | 800 | } | | | | |
| Spanish Town | - | 700 | | | - | - | - | 3,000 |
| Tortola | - | 1,500 | | | Barbados | - | | 72,000 |
| | | | | | | | <hr/> | |
| | | | | | | | 231,000 | |

You'll please to observe there are two hundred and thirty one thousand Negro Slaves belonging and employ'd in the British Sugar Colonys, which being valued at £20 St^r P head amounts to £4,620,000. The Value of their Sugar Works, Mills, Stills, Worms, Horses, Cattle, and all other Necessarys belonging to

a Sugar Plantation, may justly be valued at one third the amount of the Negro Slaves, w^{ch} at that Calculation amounts to £1,540,000, which added together makes £6,160,000, which is the Value of the Sugar Plantations, abstract of the Soil.

Upon the foregoing Observations and Calculations, I believe, You will think that the British Empire of America is of inestimable value to the Nation of Great Britain. Please to observe the Trade and Fishery of America, abstract of Hudson's Bay, employs 3,085 Sail of Vessells of different Denominations and Burthen; allowing eight Men to navigate each Vessell, there is employ'd in that Trade only; 24,680 Mariners, which I think is a fine Nursery for our Sailors.

As for the Revenue arising from the American Trade, I must referr to those that are acquainted with the Receipts thereof.

If the foregoing be acceptable and agreeable to You, it fully answers my intent; if any Errors in the Calculations, its wholly owing to my Informations, tho' I have reason to think it's pretty Just; but that and the whole is entirely submitted to your Superior Judgment, and I always am with Gratitude and Duty

Your Lordships Most Obedient Humble Servant

London April 1740

ROBT^r DINWIDDIE

Arguments of Richard Partridge—relating to the Paper Currency in America.

[From F. R. O. B. T. Plantations General Volume 11, N. 47.]

Relating to the Resolutions of the House of Commons about Paper Currency.—Arguments urg'd to Sam^l Sandys & Alex^r Hume Cam'bell Esq^{rs}

30th April 1740.

That the Kings Proclamation & Orders to the Sev-

eral Governors of this [His?] British Plantations in consequence of the Addresses of the House would be very prejudicial & tend to putting the said Plantations into great confusion for the following Reasons. —

For that should the Proclamation be Issued for reducing Gold & Silver Coin agreeable to the Proclamation of Queen Ann viz to 6-10^d p oz. for Silver the consequence would be (if it took effect) that all Commodities would unavoidably Sink in proportion thereto which would very greatly affect contracts for Goods already sold to the ruin of many— to the prejudice of the Merchants Here in Engl^d as well as y^e people there That people not having the priviledge of Coining any Money are under a necessity of a medium in Trade to carry on their Commerce; all Gold and Silver passing there as Merchandize are brought [bought?] up to make returns for Goods imported from Great Britain they being constantly in distress for want of a sufficient Supply of Such Commodities as are suitable to send over to pay for the Goods that are annually sent them from hence, & consequently the people there are allways greatly in debt to Great Britain which makes the Ballance of Trade in favour of the latter and that will naturally drain away all the Gold and Silver from amongst them That should the people in y^e plantas be prohibited from Issuing Paper Money (without which they cannot carry on their Commerce & Trade) it would yet greatly distress them, be the Ruin of many Familys & be a vast hurt to the several Governments, for if the intended proclamation & the Roal [royal?] order of prohibition take Effect the consequence would be that as all Landed Estates would Sink to one Fourth part of the value, the Paper Bills now currant would be of course equal to Gold & Silver—20s in Bills would be worth 20s in Gold & Silv^r

The said Bills when first Issued were Lent out on

Land Security on the like or the following manner viz. to a man whose Estate was worth £1600 they lent £1200 of those Bills at 5 P'Cent Interest to be repaid in 7 or 10 years time, or at a certain Period of time, at which time the Bills were to be called in & Sunk with the money so repaid in to the Government & more Issued on the same foot: but in the meantime out comes the proclamation & Royal Orders whereby the Coin is reduced, the Estate sinks in Value from £1600 to £400 so that the proprietor looses his whole Estate because he took up £1200 upon it, which the Government has the mortgage for, the mortgagor is therefore Ruined & the Colony looses £800, out of the £1200 they lent, & must be yet oblig'd to buy up their Bills at the period of time for calling them in, which would greatly distress them & put them as is before said into the utmost confusion.

That as to the Charter Governments they have from the encouragement given them by their Charters (P'ticularly Rhode Island for whom I am concern'd) Cultivated & Improved a Wilderness Country, & defended it at the hazard of their lives & Estates from the Native Indians without a Shilling Expence to the Crown (tho' its well known other Colonys have cost this nation many Thousand pounds) that they have the privilege of making Laws among themselves for the good ordering of their Governments so as they are not Repugnant to the Laws of England without being oblig'd to transmit them home, which privilege they have now enjoyed for a great number of years, & I hop'd that the Commons of Great Britain allways tender of Liberty & Property will not now deprive them thereof, especially seeing they are already Crampt in their Foreign Trade & are of so great advantage to this Kingdom, by taking off annually considerable quantities of its manufactures,—and then I particularly described and Set forth the nature & different

manner of their making returns from the plantations to pay for those Manufactures &c^a

And that as to the rise in the Exchange I did not apprehend it was owing to the Emission of Bills of Credit as has been Suggested, for in Pensilvania New Jersey & New York, they have Emitted considerable quantitys & yet the Exchange there had not advanc'd 40 P Cent this 20 years, but that the occasion of so great a difference in the Exchange between New England and Great Britain was from quite another Reason, as that they were so constantly overloaded with Goods from England & always largely in debt for want of a Supply of Returns sufficient to pay for them, that the Factors were so eager in buying up whatever Comoditys was brought to Market Suitable to be sent home as fast as ever they came, that they bid one upon another & thereby enhanced the prices one upon another which of course will enevitably raise the price of Silver & Gold & that is certainly what governs the Exchange.

Report to the Lords of Trade from the Committee of Council, with draft of an additional Instruction to the Governors of the Plantations in America.

To the Right Hon^{ble} the Lords of the Committee of his Majestys most Hon^{ble} Privy Council.

My Lords,

Pursuant to your Lordships Order of the 1st Instant We have reconsidered the Dra^t of the Additional Instruction to the respective Governors of his Majesty's Colonies & Plantations in America, requiring and commanding them to observe his Majesty's Royal In-

struction which directs, That the Act of the sixth of the Reign of Her Majesty Queen Anne, Entituled, *An Act for ascertaining the Rates of foreign Coins in her Majesty's Plantations in America*, be punctually & bona fide observed and put in Execution; And also his Maj^{ty}'s Royal Instruction to the respective Governors not to give Assent to, or pass any Act, whereby Bills of Credit may be issued in lieu of money, without a Clause be inserted in such Act, declaring that the same shall not take Effect until the said Act be approved by His Majesty; and herewith take Leave to lay the said Draught of an Additional Instruction before your Lordships, as we have altered the same,

We are, My Lords

Your Lordships &c. &c.

Whitehall
July 9th 1740

R PLUMER
AR: CROFT.

MONSON
M. BLADEN

ADDITIONAL INSTRUCTION to Edward Trelawney Esq^r Gen^l and Governor in chief of his Majesty's Island of Jamaica, & the Territories depending thereon in America; Or to the Commander in Chief or the said Island for the time being. Given at Whitehall the day of 1740. In the Year of his Majesty's Reign.

WHEREAS an Act of Parliament was past in the 6th Year of her late Majesty Queen Anne, Entituled *An Act for ascertaining the Rates of foreign Coins in her Majesty's Plantations in America*, which Act, the respective Governors of all the Plantations in America have, from time to time, been instructed to observe, and carry into due Execution; And Whereas notwithstanding the same, Complaints have been made that the said Act has not been observed, as it ought to have been, in many of his Majesty's Colonies & Plantations

in America, by means whereof, many indirect Practices have grown up, & various and illegal Currencies have been introduced in sev^l of the said Colonies & Plantations, contrary to the true Intent & Meaning of the said Act, and to the Prejudice of the Trade of his Majesty's Subjects. In consequence of which Complaints, an humble Address was presented the last Sessions, by the House of Commons to his Majesty, That he wou'd be graciously pleased to require & command the respective Governors of his Colonies & Plantations in America effectually to observe his Majesty's Royal Instruction, directing them, That the Act of the 6th Year of the Reign of her Majesty Queen Anne, entitled, *An Act for ascertaining the Rate of foreign Coins in her Majesty's Plantations in America*, be punctually & bona fide observed and put in Execution according to the true Intent and meaning of the said Act. It is therefore His Majesty's Royal Will & Pleasure, And you are hereby strictly required and commanded, under Pain of his Majesty's highest Displeasure, and of being removed from your Government, to take the most effectual Care for the future, that the said Act be punctually and bona fide observed and put in Execution, according to the true intent and Meaning thereof.

And to the end that his Majesty's Commands herein may be fully made known to all his Subjects within your Government; and that none of them may pretend Ignorance thereof, you are hereby further required and commanded to publish this Instruction in such Manner as may best answer his Majesty's gracious Intentions herein signified.

And whereas, for preventing the many & great Inconveniences that had arisen in some of his Majesty's Colonies & Plantations in America, by passing Laws for Striking Bills of Credit, & issuing out the same, in lieu of money, the respective Governors & Command-

ers in chief of his Majesty's Colonies and Plantations for the time being, have been particularly instructed not to give their Assent to or pass any such laws for the future, without a Clause be inserted in such Act, declaring that the same shall not take Effect, until the said Act shall have been approved and confirm'd by his Majesty, his Heirs or Successors: And whereas notwithstanding such his Majesty's Commanders [?] to the said Governors in that behalf, Paper Bills of Credit have been created & issued in his Majesty's said Colonies & Plantations by Virtue of Acts of Assembly there, making it obligatory on all Persons to take such Bills of Credit, in payment for Debts, Dues & Demands, whereby the good Intention of the aforementioned Act of the 6th of her late Maj^{ty} Queen Anne, for ascertaining the rates of foreign Coins in her Majesty's Plantations in America, has been frustrated, and a great Discouragement has been bro^t on the Com^{er}ce of this Kingdom by occasioning a Confusion in Dealings and a lessening of Credit in those Parts: And whereas an humble Address was presented, the last Session, by the House of Commons, to his Majesry, That he would be graciously pleased to require & command the respective Governors of his Colonies & Plantations in America, punctually & effectually to observe his Maj^{ty}'s Royal Instructions not to give Assent to or to pass any Act, whereby Bills of Credit may be issued in lieu of money, without a Clause be inserted in such Act, declaring that the same shall be approved by his Majesty:

It is therefore his Majesty's Will & Pleasure, & you are hereby also further required & comanded under pain of his Majesty's highest displeasure and of being removed, from your Governm^t punctually & effectually to observe his Majesty's Royal Instruction not to give Assent to or pass any Act, whereby Bills of Credit may be issued in lieu of money without a Clause be inserted

in such Act, declaring that the same shall not take Effect, until the said Act shall be approved by his Majesty, his Heirs or Successors.

[N. B. A like Instruction (*mutatis mutandis*) was prepared for the Governors of the other colonies and West India islands.]

Letter from Mr. Carkesse, Secretary to the Commissioners of the Customs—relative to a Glass House erected in New Jersey.

[From P. R. O. B. T. New Jersey. Vol. IV. F. 37.]

To Thomas Hill Esq^r Secretary to the Lords
Comis^{rs} for Trade & Plantations.

Sir,

M^r William Fraser Collector of the Customs at Salem in West Jersey having inform'd the Commissioners, that there has lately been Erected a Glass work within Eight miles of that Port by one Casper Wester¹ a Palatine, and is brought to perfection so as to make Glass: I am directed to give you an Account thereof for the Information of the Lords of Trade.

I am Sir

Your most humble Serv^t

CHA CARKESSÉ.

Custom h^o London

31: July 1740.

¹ CASPAR WISTAR was father of the Professor of Anatomy, Physician and Author, who subsequently became distinguished in Philadelphia.—Ed.

Letter from Governor Lewis Morris to the Duke of Newcastle—about the raising of troops in New Jersey.

[From P. R. O. America and West Indies, Vol. XII, p. 239.]

On his Majesties Service To his Grace the Duke of Newcastle his Majesties principall Secretary of State at White Hall These

Burlington 31st August 1740

May it Please your Grace.

The short notice I have had of this Conveyance (and w^{ch} its doubted whether I shall reach) give me only time to inform your Grace that we have raised in this Province three companies of one hundred men each which have been compleated for some time. Had Commissions come for Officers as was expected from Your Graces letter and his Majesties Instructions I could easily have rais'd two more: but no more commissions being sent than for two companies prov'd a great discouragement, and rendered it difficult to raise more at this time that I have done.

I have got also from the Assembly £2000 for to hire transports and purchase provisions but of this I shall be more full when I transmit their Acts and proceedings. They have Appointed Managers and as I am told by them the provisions are purchased and transports hyred for their transportation & I am in hopes we shall be ready to send them from hence about the 20th of September. I am

My Lord Your Graces most humble
and Obedient Servant¹

LEWIS MORRIS

¹ See "Papers of Gov. Morris," p. 107.

Letter from Governor Morris to the Duke of Newcastle—upon New Jersey affairs.

[From P. R. O. America and West Indies Vol. 12, p. 230.]

Burlington October 18th 1740.*May it Please your Grace*

I receiv'd your graces of the 5th of Jan'y 1739-40 on the 10th of April following via Virginia, and on the 24th of June via New York a Second of April y^e 5th with his Majesties Instructions concerning the Intended expedition against the Spaniards in the West Indies. Your Graces first letter came to hand upon the first meeting of our assembly, and I recommended the affair to them as your Grace will see at the end of my Speech made to them at their meeting; whi^{ch} comes inclosed, and I afterwards published (pursuant to your Graces direction) the inclosed proclamation. and upon receipt of your Graces second letter with his Majesties Instructions (the Assembly being then sitting) I communicated to them what his Majestie required of them, and earnestly press'd them to comply with his Majesties 8th Instruction; as your Grace will see by my Speech to them on y^t head.

They could not handsomely directly deny what was in so strong terms required of them, but was far from having any inclination to do it; and would fain have shuffled it off, under pretence of waiting to see what their neighbours of Pensilvania, and New York would do; and accordingly sent me a message desiring leave to Adjourne for a fortnight. I too well guess'd what was to be expected from the Assemblies of either of these provinces (as they then stood) to comply with their requests in this case; which plainly appear'd to me to be made with intent to evade the doing what his

Majestie required of them; and believ'd that if I permitted them to Adjourne, and discover the inclinations of their neighbours in York and Pensilvania, y^e Consequen^{ce} would be either that nothing would be done, or much less than would be procured at a time when they could not well know the Sentiments of those people; and therefore wrote the inclosed letter in answer to their message; and kept them together.

They then entred upon it, and sent up a bill for the raising of two thousand pounds for transporting troops &c w^{ch} comes inclos'd with the others. This bill instead of raising any money, only applied money already rais'd, and apply'd for the Support of Government by other acts.

They omitted making provision for other necessities as required by the 8th Instruction, and made their Managers only Accountable to y^e assembly; and (in the opinion of the Councill) the whole bill was Very confus'd and scarce intelligible; so that a conferance was desired with them upon it, which with much ado was Obtain'd; but without Effect; the assembly being predetermined not to admit of any alteration to what they were pleas'd to call a money bill; and it was suppos'd that the true reason of drawing of it in the manner it was done was to defeat the doing of the thing required of them; because they conciev'd neither the councill, or I, could, or would assent to it in the manner drawn, however, the councill (for reasons that will appeare to your grace in their minutes) chose to assent to it rather than lose y^e bill. I had talk'd with severall of them, who seem'd to agree that the amendments propos'd were reasonable, & I had still hopes y^t they might be prevailed upon to come into other measures; & therefore (after the councill had agreed to the bill) I adjourn'd for about a fortnight to get in their harvest thinking that might gain upon them and on their meeting Spoke to them as your Grace will see by the

inclosed; but without Effect: for they would not depart from the bill they had drawn nor come into the making a Law against mutiny and desertion which in his Majesties name I recomended to them. finding all the methods in my power ineffectuall to get a bill of a better forme, I consented to it as they and the councill had pass'd it; at the same time declaring against its being brought in future times for a precedent, as your Grace will see by my Speech at the prorogation of them.

I have raised three companies, and could easily have raised five had a number of blank commissions been sent, as was expected from, your Graces letter and his Majesties instructions; but there coming no more than two for this Province rendred the raising more than three companies impracticable at that time.

These companies are all (but about eighteen or twenty men) raised in the Eastern division of new Jersie, and I am told not above three servants amongst them and those no long time to serve.

Your Grace will see by what comes with this the difficulties I have had to prevaile upon our assembly to come into the doing of any thing with respect to the transporting the forces rais'd here and finding them provisions, which they left no craft they were masters of unessay'd to avoid; and I was under a necessity of assenting to their bill against my own inclinations rather than lose the use of £2000 for that purpose, which cost them not one groat; but, was part of what was Appropriated to y^e Support of his Majesties government: But it being for his Majesties service as things were then circumstanced, I humbly hope his Majestie will be graciously pleas'd to approve of my conduct in that case.

I have at last sent these companies off, one under the Command of Captⁿ george Thomas & his Officers, another undr the command of Cap^t James Hooper and

his Officers, to whom I gave the two commissions sent me by Coll^o Blakeney, the third under the command of Captⁿ Robert Farmer and his Officers, to whom I gave by Coll^o Blakenys direction Certificates that they might recieve commissions from Lord Cathcart at the place of Rendezvous in the West Indies. Hoopers with part of Thomas's company sailed from Sandy hook with Coll^o Blakeney on the twelfth past, Thomas and Farmer with the rest Sayled from hence on the 14th in Order to Joyn them at the Capes of Virginia; that being the place they were directed to be sent by Coll^o Gooch.

The £2000 appointed here to transport these forces was not sufficient for the purpose intended, and rendered it very difficult to be done; the people here (from some conduct of those concern'd in the time of Queen Anne relating to the Canada expedition some of the bills drawn then remaining (as is said) long unpay'd (if as yet paid) or for what other reasons I know not) are very diffident of Government bills, or pretend to be so; and what adds to the difficulty, is the Scarcity of Currency viz paper bills, w^{ch} here are hardly sufficient for Ordinary concerns: for, *Such of them as the industrious husband men recieve for their grain and other produce, is generally hoarded in Order to make purchases of Land for their children, w^{ch} lessens the currency*: But, were they all currant and would serve for Ordinary Occasions, yet such quantities of them as would be necessary on such an extraordinary Ocasion as this are not in the hands of Merchants here & cannot be procured in York, or Pensilvania but with much difficulty; however, with much ado I have got it done, on the promise of drawing for what the charge amounted to more than the £2000; but, how much more it has ammounted to I do not know, the accounts being not Sent in.

One third of the western diversion [division!] (which

lyes upon the Delaware) being of the people call'd Quakers makes it more difficult to raise men in that part than in the Eastern where their numbers are inconsiderable; and they cannot consistant with their Principles encourage any thing that relates to War, even a defensive one; which will render Pensilvania, and this part of this Province an Easy Prey to an Enemy, & of dangerous consequence, if some measures be not fallen upon to prevent it; which it will be impracticable to do by any militia, or other Act here or in Pensilvania where those People are admitted to have a share in Legislation. They are generally a laborious, honest & Industrious people, but want not their share of craft; and are unaccountable Obstinate and tenacious; w^{ch} Joyn'd with their principle of non resistance whether reall or feign'd, and their refusing to take or administer an oath being inconsistent with Magistracy, renders them not so fit as they otherwise would be to b: admitted into assemblies and offices of Government; and in case of having a militia very difficult to be governed.

About thirty yeares since there was a militia act in force here something better calculated for the purpose than that now in use which those call'd Quakers would by no meanes (on pretence of conscience) Obey; and while they were unmolested & not distrain'd on—laugh'd at those who did; this made others murmur who were oblig'd to trayne and muster, and encouraged their refusing to do so; they clayming as much right to an exemption from trayning as the Quakers. This being Judg'd at that time inconvenient, the Officers were Ordered to make distresses pursuant to the Act; and (not being Quakers) perhaps put it in execution with more vigour than they should have done. This was call'd persecution for conscience Sake, and the Quakers grew fond of what they call'd suffering, and gloried in the doing so, calling it a suffring for

the Lords sake; Stores were filled with distrain'd goods, such as hats, shoes, coats, breeches, saddles bridles &c, but no body would buy them when offred to sale; and the governours residing most of their time in New York, the reines of Government were held with so slack an hand that trayning has been in A manner disus'd, there having been none ever us'd in Pensilvania.

The Officers that were here are most of them dead and its difficult to get others to supply their places in a part of the country where millitary offices will be troublesome to those that have them, and their quaker neighbours disgusted at the Officers for being such, unless they leave quakers intirely unmolested & the Act uncomply'd with in their case.

This is the state of defence of the western division of new Jersie which lyes open upon the Navigable river Delaware for about 150 miles and between 70 and 80 upon the Sea coast.

In the Eastern Division of this Province the case is somewhat better. they have trayn'd much Oftner, tho' but seldom. there are five regiments there of Millitia, & I am in hopes to get two or three troops of horse; and in some time to get them into some better Order than they have been for many yeares: but, they have been so long and so much neglected, the militia Act so deficient and Armes so much wanted, that it will require time to do it

Your Grace will see by the minutes of councill here-with sent that I have Suspended three of the councill by the advice and consent of that board; two of them were discharged at their own desire; and one of them for not Attending I had before that discharg'd another viz John Schuyler at his own desire.

This Schuyler is part owner with his two brothers of the famous Jersy coppermine, and is Intrusted with the management of it, he had often earnestly press'd

me to be discharg'd, protesting he could not attend the councill without the greatest prejudice to his private affairs, which indeed I believe was true, but I was loth to discharge him, because he was a man of good sence and great interest in his neighborhood and withall firmly in the interest of the present Government; however, his attendance at the distance from his habitation at the places that I am to hold councils And assemblyes in being of so great hurt to his private affaires I at last consented to dismiss him. Your Grace may observe by the minutes that I had but once Seaven councillors together, and that three times I had Six; but besides these times could never get above five of them together—Sometimes four, but offner onely three. John Wills one of those who desired to be dismiss'd is an Old Quaker of above four score and goes double he Dwells about Six miles from this, and would not attend the councill because they had hyred a room to sit in about twenty rod farther from his lodging than he would have had it, and finding they persisted in using the room they had hyred, came to take his leave of me & told me he was no longer able by reason of his Age and infirmities to attend the councill & I willingly consented to his departure. Van Horne declin'd comming as much as he could, but finding the councill insisted on his presence and had sent an Officer to bring him, desired to be dismissed w^{ch} I granted. Provoost the third suspended would not attend tho an officer was sent for him: & indeed had all attended that are dismiss'd none of them but Schuler would have been of much use to me or the Publikk.

Your Grace may see that I have been by the non attendance of the members under a necessity of acting with a very thin Councill which is inconvenient and a meanes of bringing that part of the Legislature into contempt, which the conduct of these dismiss'd had

they not been suspended would not have a little contributed to, they being very unequall to the charge they had undertaken; but had they been as well qualified for these stations as men could be, yet the distance of their habitations from each other and from Amboy or Burlington where (by the present constitution) I am to hold assemblies, makes their attendance very inconvenient to themselves; and that, with their not having any allowance but when the assembly Sits, and then a very Small one, are the causes that I cannot easily get a councill together when there is Occasion for them. To make it easy to them I condesended to have quarterly meetings with them unless matters of great moment required their attendance sooner; but notwithstanding this they have not attended.

The councill by these Suspensions were reduced to Six inhabitants of Jersey, and one (*viz* James Alexander) of New York, who being building there has not attended (I think once) but upon his own busines either the late or former Sessions of the assembly; so that pursuant to his Majesties Instructions I named one *viz* Peter Baynton of this place to make up Seaven residents in this Province. He is A man of Superior Sence to most here has a good estate, is a considerable trader hereabouts and is heartily well affected to the present Government. He was by the Assembly named a trustee for the hyring ships and buying provisions for transporting the troops raised here, and the Only one that was not a member of their house, which I question if they would have done, had they in the least suspected that I would have Appointed him to have filled up the deficiency of the councill; and to this M^r Baynton it is chiefly if not solely owing, that I have been able to send these troops off, he having advanced much on that score; the other trustees appointed by the Assembly acting (either by chance

or designe) as if they meant to retard, if not defeat the Enterprise.

The holding of Assemblys alternately at Amboy, and Burlington, & keeping two Secretarys offices, proves very inconvenient both to the officers of the Government, and the People; the assembly Acknowledge it to be so, tho' they will not Agree upon the one place to fix the seat of Government in, but have left the nomination of that to me; which I have hitherto declined doing.

Perth Amboy named from the Earle of Perth who follow'd the fortunes of the late King James, is a poor inconsiderable place; and there is little probability of its being much better. The Town or City of Burlington, whose inhabitants are mostly quakers far exceeds the other; but was neare as large twenty years since as now, and there is little likelihood of its growing much larger.

They are both Inconsiderable places and like to remain so; neither of them fit for the seat of Government, nor so conveniently Scituated for that purpose as some others.

It would be a great convenience to the People in generall, and to the Governours and Secretaries for the time being, and officers of the government, to have it fixed to Some one place; and therefore I humbly hope his Majesties will be graciously pleas'd to permit the doing of it, notwithstanding the Instruction of holding of the Assemblyes alternatively at Amboy and Burlington, which tho' they were the most convenient places forty yeares Since, when the Surrender of this Government to the Crown was transacted, are by no meanes so at this day, or likely ever to be so; nor is the Scituation of the Landed Interest of those who made that surrender, and which induced them to propose the alternate Sittings in those two places, the same now as then, but quite different; and the reasons for their doing so not subsisting at this time.

The order of the councell as they now stand, and their numbers in each Division are as follows, viz

| their Rank for the Eastern Division. | Rank for the Western Division. |
|---|--|
| 1 John Hamilton | 2 John Reading |
| 3 James Allexander, who resides at New York. | 3 [4?] John Rodman, Quakers |
| 6 Robert Hunter Morris | 5 Richard Smith |
| 7 Fenwick Lyell | 8 Peter Baynton appointed by me and makes the 7 th Residing Councill ^r |

As the Councell Stood in his Majesties Instructions to me, there was Eight of the Eastern, and but four of the western division, at which those of the western division seem'd to express some dissatisfaction; but, by the death of M^r Hooper, and the dismissal of the others, if his Majestie approves of it, and of the nomination of M^r Baynton they are now equall, or rather superior; M^r Allexander rarely (as yet) attending.—If they stand as they do, there will still two be wanting in each division to make up the Number of twelve in the whole.—In the western Division there are not so many fit for that Station who dwell conveniently to be got together (that are not quakers) as in the Eastern; and it being difficult (even as they now Stand to get a counsell to meet, I humbly recommend Archibald Home the Deputy Secretary for one of them; his Office as clerk of the counsell obliging him to A Constant attendance, and will render the having a full counsell more practicable than it has hitherto been; but, how far your Grace will think it fit, that he Should rise in rank, in case of death, de^jarture, or Suspension of other (he not desiring or expecting it) is Submitted.

The other I presume to recomend for this western

division is John Allen the present Treasurer of it. I well know the man he has the character of a very honest man.

As to the Eastern division, the generall proprietors of the Soyle Seem to expect a Share with others in the Administration and its said some of them are somewhat uneasy on that score. to take off any uneasyness of that kind I recomend Richard Ashfield who ownes A whole proprietie or 24th part of the Eastern Division & something more. I take him to be an honest man and very firm in the Interest of the present Government; as indeed are all I recom'end The other Vacancy in the Eastern Division I recommend to be fill'd by Edward Antill; he is a man of good Estate & Sence, and if admitted to that board, I hope and believe will prove an usefull and deserving member of it. But this and every thing Else Propos'd by me is most humbly submitted by My Lord

Your Graces Most Obedient and
most humble Servant

LEWIS MORRIS.

[The Collections of the New Jersey Historical Society, Vol. IV, published 1852, contains all the correspondence of Governor Morris, preserved in the library of the Society; it will be found, therefore, that it has been deemed unnecessary, with very few exceptions, to reproduce in this series the documents contained in that volume; as a reference to them there, attended, as they are, by much explanatory matter, will be of greater service than the documents alone would be if reprinted here.—ED.]

Communication from Captain Thomlinson to Secretary Thomas Hill—inclosing Schemes for putting the paper money in America on a better footing.

[From P. R. O. B. T., Plantations General, No. 11. N. 49.]

To Thomas Hill Esq^r at Whitehall

Sir

Since I had the Honour of Waiting on the Lords Commiss^{rs} for Trade & Plantations on the affair of Paper Money in America, I have turn'd my thoughts that way, And indeed I think it is a most difficult affair, and of no less consequence to the plantations and all of us that are concern'd with them, Therefore I have inclosed you the outlines of a Scheme, that may very easily be carried into execution, and for anything I can yet See, If it is duely Executed may produce a general good.

If their Lordships think it worthy of Consideration and any thing therein Should want to be explain'd, I will upon the least notice wait upon their Lordships, and am with great Truth.

Sir Your most obed^t humb^l Ser^{vt}

Great Trinity Lane

JOHN THOMLINSON

29th Oct^r 1740.

For want of a Staple in our Northern American Colonys, it is Impossible for Silver or Gold to continue to be a Medium, Therefore Somthing else must be Substituted in it's Stead.

And I humbly apprehend what in such case is now to be done is,

First, To call in all the outstanding Bills of Credit

in those Colonys, at the appointed time, in the easiest and best manner.

Secondly, To proportion a Sum for the Currency of each Colony, Sufficient to Carry on the Trade and Business of the Said Colony.

Thirdly, To put that Medium upon Such a foundation that it's value shall not alter, but Shall continue to hold the Same proportion to Sterling Silver so long as it shall be allowed to pass.

Fourthly, To reduce or bring the Currency as near Proclamation Money as possible, and in the easiest & Best Manner.

—Now the Method I would propose for doing all This, is as follows

I would Suppose a Colony whose Taxes amounts to about £3000 p^r An^m Bills of credit at the present rate of 28s per ounce Sterling Silver, and the Sum of £67275 of the Same Bills of credit would be a Currency Sufficient to carry on the Trade & Business of the Said Colony.

1st That £67275 in Bills of Credit, at the rate of 28s p^r oz Ster^a Silver Should be Struck off, from Bills of 1s to Bills of £5 (as usual) to be a currency for Twelve Years, and no longer;—And That £24000 of Said Bills of Credit Shall be emedately Signd, and lent out upon good Land Security, not more than £1000 to any one person, or less then £100. and at the rate of 5 p^r Cent p^r annum Intrest. The principal to be paid inn at four equal payments, Viz^t $\frac{1}{4}$ part at the end of Three years, $\frac{1}{4}$ part at the end of Six years, $\frac{1}{4}$ part at the end of nine years, and the remaining $\frac{1}{4}$ at the end of Twelve years. And no other Bills of credit whatsoever Shall be taken or received for Taxes, intrest or principal, but Bills of credit of this Tennor, or Silver coin after the rate of 28s p^r Oz.

2^d And on all payments of Taxes intrest or principal pun[c]tually made in these Bills of credit, An allow-

ance Shall be made to the persons making Such payments of $2\frac{1}{2}$ p^r cent discount, But upon all payments made in Silver at 28s p^r oz no discount Shall be made.

3^d And besides £24000 lent upon good Land Security, all other Bills of Credit outstanding in the said Province, Shall be brought inn in Six Months time and exchanged for Bills of credit of this New Tennor, or Shall be lost to the Possessor. And the remainder of the s^d £67275 Shall remain in the Treasury, to be signd and issued out as the Necessitys of the Province Shall require.

4. And at the end of Six Years after the first Emmission of the aforesaid £67275 Bills of Credit, at which time more then half the Said Sum will be brought in and sunk, by the Taxes Intrest & principal being duely paid, (as by the Annexed Scheme) Therefore, that the Said Province may Still be Supplyd with a Sufficient Medium to carry on the Trade of y^e said Province, I would propose that the Sum of £24862. 10 Bills of Credit, at the rate of 14s p^r ounce Sterling Silver be struck off, And that £12000 of said Bills of Credit be emeadiatly Sign'd, and lent upon good Land Security, not more to any one person then £500 or less then £50 and at the rate of 5 p^r cent p^r annum and this second Emmission to pass and Opperate for Twelve years, and no longer, in the same manner as the former.

5 And after the Expiration of the Twelve years for which the first Bills of Credit at 28s p^r ounce were emmitted, If any of y^e Said Bills Should be then outstanding, the Bearer or Bearers of Such Bills shall have Six Months, and no longer, Allowed to bring them into the Treasury. & have them exchanged for half the nominal Sum of Bills of credit of the Second Emmission.

6. And at the end of the Same Twelve years, when all the Bills of Credit of the first Emmission Shall be

Brought in and Sunk, and allso near half of the Second Emmission will be Brought in and Sunk, Therefore that y^e Colony may Again be Supplyd with a Currency, Sufficent for The Trade Thereof, I would propose £12431. 5. 0 Bills of Credit, at y^e Rate of 7s p^r ounce Sterling Silver Should be Struck off, and £6000, of said Bills be emediatly Sign'd and lent up on good Land Security and this Third Emmission to pass and opperate for Twelve Years and no longer in the same manner as the Two former,

7 And thus the Currency will be Brought as near proclamation Money as possible, And as I conceive in the easiest and Best manner, & by a due Execution hereof, Everything at first proposed will be effected in Eighteen Years.

8 And then to prosecute this Scheme further, even for ever, a new Emmission of Bills of Credit at the pate of 7s p^r oz Sterling Silver every Six years, To be Brought in and Sunk in Twelve Years, as in the Annexed Schemes will prove effectual,

9 And this Scheme may Serve any other Colony by proportioning the Sums to the Taxes and Currency of Such respective Colony.

The Form of Such Bill of Credit

Five pounds &c &c at 28s p^r oz Sterling Silver £5. 0. 0.

This indented Bill of Five Pounds due to the Possessor Thereof from the Province of shall be in value equal to Silver of Sterling alloy at Twenty eight Shillings p^r ounce, and Shall Accordingly be Accepted by the Treasurer and Receivers under him, in All publick payments, from And after the day of which will be in the Year of Our Lord 1741 to the day of which shall be in the Year of our Lord 1753 and no longer

By order of

} Committee for Signing

N. B. There will a saving or profit arise to the

Province, by these Schemes, Sufficient to defray the Charge of printing those Bills of Credit and the other charge of Executing this affair,

By the first Emmission a profit of..... £7275 at 28s p^r oz Silver
 By the Second Emmission D^o of..... 3862. 10 at 14s p^r oz.
 By the Third Emmission D^o of..... 1931. 5s at 7s p^r oz

A SCHEME for an emission of £67,275 Bills of credit at the rate of 28s p^r oz Sterling Silver to be a Currency for 12 years and no longer, all to be brought in and Sunk in following Manner.

| | | | | |
|---|--------|----|---|--------------------|
| First 3 years Taxes at 3000l p ^r annum..... | £9,000 | 0 | 0 | |
| First 3 years intrest on £24000 at 5 p ^r Cent..... | 3600 | 0 | 0 | |
| First ¼ principal paid at 3 years end..... | 6000 | 0 | 0 | |
| If paid in Silver at 28s p ^r oz no discount allow'd.... | 18,600 | 0 | 0 | |
| If paid in Bills of credit 2½ discount allow'd..... | 465 | 0 | 0 | Sunk £18,135. 0. 0 |
| Second 3 years Taxes at 3000l p ^r Ann'm..... | £9000 | 0 | 0 | |
| Second 3 years intrest 18000l at 5 p ^r C't..... | 2700 | 0 | 0 | |
| Second ¼ principal paid at 6 years end..... | 6000 | 0 | 0 | |
| If paid in Silver at 28s p ^r oz no discount allow'd.... | 17,700 | 0 | 0 | |
| If paid in Bills of credit 2½ discount allow'd..... | 442 | 10 | 0 | 17,257 10. 0 |
| Third 3 years Taxes at 3000l p ^r An'm..... | £9000 | 0 | 0 | |
| Third 3 years Intrest on £12000 at 5 p ^r C't..... | 1800 | 0 | 0 | |
| Third ¼ principal paid at 9 years end..... | 6000 | 0 | 0 | |
| If paid in Silver at 28s p ^r oz no discount allow'd.... | 16800 | 0 | 0 | |
| If paid in Bills of Credit 2½ p ^r Cent discount..... | 420 | 0 | 0 | 16380. 0. 0 |
| Fourth 3 years Taxes at 3000l p ^r An'm..... | 9000 | 0 | 0 | |
| Fourth 3 years Intrest on £6000 at 5 p ^r C't..... | 900 | 0 | 0 | |
| Fourth ¼ principal paid at 12 years end..... | 6000 | 0 | 0 | |
| If paid in Silver at 28s p ^r oz no disc't allow'd..... | 15900 | 0 | 0 | |
| If paid in Bills of credit 2½ p ^r Cent disc't allow'd... | 397 | 0 | 0 | |
| | | | | 15,502.10. 0 |
| | | | | £67,275. 0. 0 |

A SECOND SCHEME for an Emission of £24,862. 10. Bills of credit at y^o Rate of 14s p^r oz Sterling Silver, to be emitted Six years after the former, and to be a Currancy for 12 years and no longer, All to be brought in & Sunk in the following Manner

| | | | |
|--|-------|---|------------|
| 1st 3 y ^r s Int'st on £12000..... | £1800 | 0 | 0 |
| 1st ¼ principal..... | 3000 | 0 | 0 |
| | 4800 | 0 | 0 |
| 2½ Discount..... | 120 | 0 | 0 |
| | | | 4680. 0. 0 |

| | | |
|---------------------------------------|-----------|---------------|
| 2d 3 y'rs Int'st on £9000..... | £1350 0 0 | |
| 2d $\frac{1}{4}$ principal..... | 3000 0 0 | |
| | <hr/> | |
| | 4350 0 0 | |
| 2 $\frac{1}{2}$ Discount..... | 108 0 0 | |
| | <hr/> | £4241. 5. 0 |
| 3d 3 y'rs Taxes at £1500..... | £4500 0 0 | |
| 3d 3 y'rs Int'st on £6000..... | 900 0 0 | |
| 3d $\frac{1}{4}$ principal..... | 3000 0 0 | |
| | <hr/> | |
| | 8400 0 0 | |
| 2 $\frac{1}{2}$ discount..... | 210 0 0 | |
| | <hr/> | 8190. 0. 0 |
| 4th 3 y'rs Taxes £1500..... | 4500 0 0 | |
| 4th 3 y'rs int'st on £3000..... | 460 0 0 | |
| Last $\frac{1}{4}$ principal..... | 3000 0 0 | |
| | <hr/> | |
| | 7950 0 0 | |
| 2 $\frac{1}{2}$ p'r C't Discount..... | 198 15 0 | |
| | <hr/> | 7751. 5. 0 |
| | | <hr/> |
| | | £24862. 10. 0 |

A THIRD SCHEME for an emission of £12431. 5. 0 Bills of Credit at the rate of Seven Shillings p^r ounce Ster^e Silver, to be emitted Twelve years after the first & Six years after the Second And to be a Currency for 12 years and no longer, All to be brought in and Sunk in the following Manner.

| | | |
|---------------------------------------|----------|------------|
| 1st 3 y'rs Intr'st on £6000..... | £900 0 0 | |
| 1st $\frac{1}{4}$ principal..... | 1500 0 0 | |
| | <hr/> | |
| | 2400 0 0 | |
| 2 $\frac{1}{4}$ p'r C't discount..... | 60 0 0 | |
| | <hr/> | 2340. 0 0 |
| 2d 3 y'rs int'st on £4500..... | 675 0 0 | |
| 2d $\frac{1}{4}$ principal..... | 1500 0 0 | |
| | <hr/> | |
| | 2175 0 0 | |
| 2 $\frac{1}{2}$ p'r C't Discount..... | 54 7 7 | |
| | <hr/> | 2120.12. 6 |
| 3d 3 y'rs Taxes a £750..... | 2250 0 0 | |
| 3d 3 y'rs int'st on £3000..... | 450 0 0 | |
| 3d $\frac{1}{4}$ principal..... | 1500 0 0 | |
| | <hr/> | |
| | 4200 0 0 | |
| 2 $\frac{1}{4}$ p'r C't discount..... | 105 0 0 | |
| | <hr/> | 4095. 0. 0 |
| 4th 3 y'rs Taxes at £750..... | 2250 0 0 | |
| 4th 3 y'rs intrest £1500..... | 225 0 0 | |
| Last $\frac{1}{4}$ principal..... | 1500 0 0 | |
| | <hr/> | |
| | 3975 0 0 | |
| 2 $\frac{1}{2}$ p'r C't discount..... | 99 7 6 | |
| | <hr/> | 3875.12. 6 |
| | | <hr/> |
| | | £12431 5 0 |

Proclamation of Gov^r Morris relating to the Currency of Foreign Coins in His Majesty's Plantations in America. Dated 3^d Jan^y 1740-1.

[From P. R. O. B. T. New Jersey, Vol. IV, F 44.]

By His Excellency.

LEWIS MORRIS, ESQ;

Captain General and Governor in Chief in and over His Majesty's Province of New Jersey, and the Territories thereon depending in America, and Vice Admiral in the same, &c

A PROCLAMATION.

WHEREAS for remedying the Inconveniences which had arisen from the different Rates at which the same Species of Foreign Silver Coins had passed in the several English Plantations in America, Her late most Excellent Majesty Queen *Anne* thought fit by her Royal Proclamation bearing date the Eighteenth day of June 1704. and in the third Year of Her Reign to settle and ascertain the Currency of Foreign Coins in Her said Colonies and Plantations in the Manners and Words following, Viz.

“ WE having under our Consideration the different
 “ Rates at which the same Species of foreign Coins
 “ do pass in our several Colonies and Plantations in
 “ America. and the Inconveniences thereof, by the
 “ indirect Practice of drawing the Money from one
 “ Plantation to another, to the great Prejudice of the
 “ Trade of Our Subjects: And being sensible, that the
 “ same cannot be otherwise Remedied, than by reduc-
 “ ing of all Foreign Coins to the same Current Rate
 “ within all Our Dominions in America; and the prin-

“cipal Officers of Our Mint, having laid before Us a
 “Table of the Value of the several Foreign Coins,
 “which usually pass in Payments in Our said Planta-
 “tions according to their Weight, and the Assays
 “made of them in Our Mint, thereby shewing the just
 “Proportion which each Coin ought to have to the
 “other, which is as follows, Viz. Sevil Pieces of Eight,
 “old plate, Seventeen Penny Weight Twelve Grains,
 “Four Shillings and Six Pence. Sevil pieces of Eight,
 “new Plate, Fourteen penny Weight, three Shillings,
 “seven Pence one Farthing. Mexico Pieces of Eight,
 “Seventeen penny Weight Twelve Grains, four Shil-
 “lings and six Pence. Pillar Pieces of Eight, Seven-
 “teen penny Weight Twelve Grains, four Shillings
 “and six pence three Farthings. Peru pieces of Eight,
 “old Plate, Seventeen Penny Weight Twelve Grains,
 “four Shillings and five Pence, or there abouts. Cross
 “Dollars, Eighteen Penny Weight, four Shillings, and
 “four pence three Farthings, Ducatoons, of Flanders,
 “Twenty penny Weight and Twenty one Grains, five
 “Shillings and six pence. Ecu’s of France, or Silver
 “Lewis, Seventeen Penny Weight Twelve Grains, four
 “Shillings and Six pence. Crusadoes, of Portugal,
 “Eleven Penny Weight four Grains, two Shillings
 “and ten Pence one Farthing. Three Gilder Pieces of
 “Holland, Twenty penny Weight and seven Grains,
 “five Shillings and two Pence one Farthing. Old Rix
 “Dollars of the Empire, Eighteen Penny Weight and
 “Ten Grains, four Shillings and six pence. The
 “Halfs, Quarters, and other parts in proportion to
 “their Denominations, and light pieces in proportion
 “to their Weight: We have therefore thought fit for
 “Remedying the said Inconveniences, by the Advice
 “of Our Council, to publish and declare, that from and
 “after the first Day of January next ensuing the Date
 “hereof, no Sevil, Pillar, or Mexico Pieces of Eight,
 “though of the full Weight of Seventeen Penny

“Weight and an Half, shall be accounted, received,
 “taken, or paid within any of Our said Colonies or
 “Plantations as well those under Proprietors and
 “Charters, as under our immediate Commission and
 “Government, at above the Rate of six Shillings per
 “Piece current Money, for the Discharge of any Con-
 “tracts or Bargains to be made after the said first Day
 “of January next; the Halfs, Quarters, and other less-
 “er pieces of the same Coins, to be accounted, received,
 “taken or paid in the same Proportion: And the Cur-
 “rency of all Pieces of Eight of Peru, Dollars, and
 “other Foreign Species of Silver Coins, whether of the
 “same or Baser Alloy, shall, after the said First Day
 “of January next, stand Regulated, according to their
 “Weight, and Fineness, according and in Proportion
 “to the Rate before limited and set for the pieces of
 “Eight of Sevil, Pillar, and Mexico: So that no For-
 “eign Silver Coin of any sort be permitted to exceed
 “the same Proportion upon any Account whatsoever.
 “*And We* do hereby require and command all Our
 “Governors, Lieutenant Governors, Magistrates, Offi-
 “cers and all other Our good Subjects, within Our said
 “Colonies and Plantations, to observe and obey Our
 “Directions herein, as they tender Our Displeasure.

AND WHEREAS an Act of Parliament was afterwards
 passed in the 6th Year of Her said late Majesty Queen
Anne, entitled, An Act for the Ascertainning the Rates
 of Foreign Coins in Her Majesty's Plantations in
 America, setting forth, that notwithstanding the said
 Proclamation, the same indirect Practices therein men-
 tioned were still carried on within some of the said
 Colonies and Plantations, and the Money thereby
 drawn from one Plantation to another, in prejudice of
 the Trade of Her Majesty's Subjects. *Wherefore* for
 the better inforcing the due Execution of Her Majesty's
 said Proclamation, throughout all the said Colonies
 and Plantations, and for the more effectual Remedy-

ing the said Inconveniences thereby intended to be Remedied, it was therein and thereby Enacted, That if any Person within any of the said Colonies or Plantations, as well under Proprietors and Charters, as under Her Majesty's immediate Commission and Government, should after the First Day of May in the Year of our Lord 1709. for the Discharge of any Contracts or Bargains to be thereafter made, account, receive, take, or pay any of the Silver Species of Foreign Silver Coins mentioned in the before recited Proclamation of any greater or higher Rate than at which the same is thereby regulated, settled, and allowed to be accounted, received, taken or paid, every such Person so accounting, receiving, taking or paying the same contrary to the Directions therein contained, should suffer six Months Imprisonment without Bail or Main Prize. Any Law, Custom or Usage, in any of the said Colonies or Plantations to the Contrary thereof in any wise notwithstanding. and should likewise forfeit the Sum of Ten pounds for every such Offence, one Moiety thereof to Her said Majesty, Her Heirs and Successors, the other Moiety to such Person or Persons as should Sue for the same, to be recovered, with full Costs of Suit, by Action of Debt, Bill, Plaint or Information, in any of Her said Majesty's Courts of Justice within any of the said Plantations, or in any of the Courts of Justice of the Charter or Proprietary Governments where such Offence should be committed:

AND WHEREAS their Excellencies the Lord Justices, by their additional Instruction to me directed, bearing date at Whitehall the Fifth Day of August in this present Year 1740. Have therein set forth, that although the respective Governors of all the Plantations in America, had from Time to Time, been Instructed to observe and carry on the above recited Act of Parliament into due Execution: Yet that notwithstanding the same, Complaints had been made, that the said

Act had not been observed as it ought to have been in many of His Majesty's Colonies and Plantations in America, by Means whereof, many indirect Practices had grown up, and various and illegal Currencies had been introduced in several of the said Colonies and Plantations, contrary to the true Intent and Meaning of the said Act, and to the prejudice of the Trade of His Majesty's Subjects: And that in Consequence of those Complaints, an humble address had been presented the then last Sessions by the House of Commons to His Majesty, that He would be graciously pleased to require and command the respective Governors of His Colonies and Plantation in America, effectually to observe His Majesty's Royal Instructions, directing them that the said Act of the sixth Year of the Reign of Her late Majesty Queen *Anne*, Entitled, An Act for Ascertaining the Rates of Foreign Coins in Her Majesty's Plantations in America, should be punctually and bona fide observ'd and put in Execution, according to the true Intent and Meaning of the said Act: Pursuant to which Address, their Excellencies the Lord Justices by their additional Instruction (signifying it to be His Majesty's Royal Will and Pleasure) do strictly charge and command Me, to take the most effectual Care for the future, that the said Act be punctually and bona fide observed and put in Execution, according to the true Intent and Meaning thereof.

In Obedience therefore to the said additional Instruction from the Lords Justices, and to the End that His Majesty's Commands therein may be fully made known to all His Subjects within this my Government, and that none of them may pretend Ignorance thereof, I Do (by and with the Advice of His Majesty's Council) issue this Proclamation, and in His Majesty's Name do hereby strictly Require and Command all and every His Majesty's good Subjects within this Province, to pay a strict and punctual Obedience to the above recited

Act pass'd in the sixth Year of the Reign of Her said late Majesty Queen *Anne*, entitled, An Act for Ascertaining the Rates of Foreign Coins in Her Majesty's Plantations in America, under the Penalty's in the said Act mentioned, which shall be according to the utmost of my Power, strictly and punctually put in Execution against all and every Person and Persons that shall presume to offend in acting contrary to the Directions in the said Act.

Given under my Hand and Seal at Arms, at Trenton in Council, the third Day of January, in the Fourteenth Year of His Majesty's Reign Annoque Domini One Thousand Seven Hundred and Forty.

By His Excellency's Command, LEWIS MORRIS.
Arch. Home, Secry.

GOD SAVE THE KING.

Report of the Lords of Trade to the House of Commons—relative to Bills of Credit in the Plantations.

[From P. R. O. B. T. Plantations General No. 35, Ent. Book G, p. 269.]

To the Hon^{ble} the Commons of Great Britain,
in Parliament Assembled.

His Majesty having been pleased by his Order of the 30th of April last, pursuant to an Address of this Hon^{ble} House of the 25th of the same Month, to direct the Commissioners for Trade & Plantations, to prepare in order to be laid before this House the next Session of Parliament, "An Account of the Tenour & Amount of
"the Bills of Credit which have been created & issued
"in the several British Colonies and Plantations in
"America, as well as those under Proprietors &
"Charters as under his Majesty's immediate Com-
"mission & Government, that shall be then out-

“standing distinguishing the Amount of the same
 “in each Colony or Plantation, and the respec-
 “tive Times when such Bills so outstanding were
 “issued, with the Amount of the said Bills in money
 “of Great Britain, both at the time of preparing the
 “said Account, together with their Opinion what will
 “be the most easy & effectual manner of sinking and
 “discharging all such Bills of Credit with the least
 “Prejudice to the Inhabitants of the said Colonies
 “and Plantations, and Interruption of the Commerce
 “of this Kingdom.”

Upon Receipt of the said Order, We did immediately send circular Letters to all the Gov^{rs} of his Majesty's Plantations in America, reciting the said Address, and directing them forthwith to prepare and transmit to Us, the sev^l Accounts therein required, together with their Opinion, what would be the most easy and effectual manner of sinking and discharging all such Bills of Credit, as by a Copy of one of the said dated May 20th. 1740 circular Letters hereunto annexed may more fully appear; But We have not hitherto received Returns from any of his Majesty's Governors on the said Subjects, except only from the Lieutenant Governor of New York.

We did likewise at the same time recommend to the Agents of the respective Colonies residing here, to lay before Us their Opinions concerning the most easy & effectual manner of sinking the said Bills, & frequently discoursed with them thereupon; but they have for the most Part excused themselves; from giving any Opinion till they shall have received proper Instructions from their Principals on that Subject.

Under these Difficulties therefore, and destitute of proper Information, it cannot be expected that We should be able to lay before this Hon^{ble} House such a Proposition for the sinking and discharging of the said Bills of Credit, as may be in every respect an adequate

Remedy for the Evil complained of, and so much the rather because the Circumstances of the sev^l Provinces being various & very different in this Respect, each Province may require a distinct Consideration.

Being however desirous, as far as in Us lies, to comply with the Intentions of the House, We would humbly propose that his Majesty may be graciously pleased to repeat his Orders to his Governors of the Plantations not to give their Assent for the future to any Bill or Bills for the issuing or re-issuing of Paper money in their respective Governments of any Sort upon any Account, or for any Purpose whatsoever, without a Clause therein inserted to suspend the Execution thereof, till his Majesty's Pleasure thereupon shall be known, nor to any Vote, Resolution or Order for the issuing or re-issuing of any Sort of Paper money upon Pain of the Forfeiture of their respective Employments, of his Majesty's highest Displeasure.

That the said Governors be also directed under the same Penalties to take due Care that all Funds and Provisions already established by Acts of Assembly for the gradual sinking and discharging of Bills of Credit in their respective Provinces be duly applied, according to the Terms & Methods prescribed in the said Acts for those Purposes.

That wherever Bills of Credit have been issued upon Loan to private Persons, upon Securities real or personal in Consequence of any Acts of Assembly, such Persons be compelled to make Payment thereof, agreeable to the Securities given for that Purpose.

That in all Cases where Bills of Credit have been issued without proper Funds for the sinking of them, or where such Funds have been diverted or proved ineffectual, the Governors should be directed to recommend in his Majesty's Name to their Assemblies forthwith to provide sufficient Funds by Act of Assemblies for the gradual Discharge of such Bills.

We hope that these Propositions for reducing & discharging the Paper Currency in the Plantations may have a good Effect in those Governments which are held by immediate Commission under his Majesty, But We are very doubtfull whether they will produce the like Effect in the Charter Governments, who do apprehend themselves by their particular Charters, & Constitutions to be very little dependent upon the Crown, & for that Reason seldom pay that Obedience to his Majesty's Orders which might reasonably be expected from them.

We have hereunto annexed such Returns of the State of the Paper Currency in the Colonies as have come to Our Hands since our last Report, & which did not arrive in time to be laid before the House the last Session of Parliament, We have likewise, in Obedience to his Majesty's Orders upon another Address from this House of the 25th of Apr^l last, prepared Copies of the sev^l Grants & Charters from y^e Crown to the Proprietary & Charter Governm^{ts} on the Continent of N^o America, now subsisting & in Force, & do herewth lay the same before this Hon^{ble} House.

All which is humbly submitted
MONSON

| | | |
|-----------------------------|--------------|----------|
| Whitehall Jan ^{ry} | JA BRUDENELL | R PLUMER |
| 21 st 1740-1 | R : HERBERT. | M BLADEN |

List of Papers transmitted to the Commissioners for Trade & Plantations relating to Paper Currency &c. in America received since the last Session of Parliament.

1

Extract of a letter from Major Gooch Lieu^t Governor of Virginia, dated Feby 9th 1739-40—relating to Paper Currency &c.

2

Account of the State of Paper Currency of North

Carolina, from the first Emission of any Bills of Credit to the year 1740, rece'd from N. Carolina.

3

Letter from Sam^l Ogle Esq^r Dep^y Gov^r of Maryland, dated 20th April 1740— relating to Paper Currency &c.

4

Letter from Joseph Talcot Esq^r Deputy Gov^r of Connecticut, dated Jan^{'ry} 12th 1739-40—relating to Paper Currency.

5

Account of the Gold & Silver Coin as it currently Passed in the Island of Nevis from the year 1700 to 1739-40 transmitted by Governor Mathew.

List of Copies of Charters from the Commiss^{'s} for Trade & Plantations, presented to the Hon^{ble} the House of Commons, in Pursuance of their Address to his Majesty of the 25th April 1740.

Maryland Charter, granted by King Charles the 1st in the 8th Year of his Reign.

Connecticut Charter granted by K. Charles the second, in the 14th Year of his Reign.

Rhode Island Charter, granted by King Charles the second in the 15th Year of his Reign.

Pennsylvania Charter, granted by King Charles the 2^d in the 33^d Year of his Reign.

Massachusetts Bay Charter granted by K. Will^m & Q. Mary in the 5^d Year of their Reign.

Georgia Charter granted by His present Majesty in the 5th Year of His Reign.

Archibald Home appointed one of the New Jersey Council.

[From P. R. O. B. T. New Jersey, Vol. IV, F 42.]

Order in Council, dated the 23^d of April 1741, approving a Representation of this Board proposing Archibald Home Esq^r to Supply a Vacancy in the Council of New Jersey by the Death of Robert Lettice Hooper Esq^r.

AT THE COURT AT ST JAMES'S
the 23^d Day of April 1741
Present

The Kings most Excellent Majesty in Council

Upon reading at the Board a Report from the Right Honourable the Lords of the Committee of Council for Plantation Affairs dated the 9th of this Instant in the Words following—Viz^t

“Your Majesty having been pleased by Your Order
“in Council of the 19th of last month, to referr unto
“this Committee a Representation from the Lords
“Commissioners for Trade and Plantations, Setting
“forth, that there is a Vacancy in your Majestys
“Council of New Jersey, Occasioned by the Death of
“Robert Lettice Hooper Esq^r And that Archibald
“Home Esq^r having been recommended to them as a
“Person every way Qualified to Serve Your Majesty
“in that Station, They therefore humbly propose, that
“he may be appointed to Supply the said Vacancy.
“The Lords of the Committee this day took the said
“Representation into their Consideration And do
“thereupon Agree humbly to Report, that they have

“no Objection to Your Majestys Appointing the said
 “Archibald Home to be of Your Majestys said Coun-
 “cil in the Province of New Jersey, in the room of
 “the said Lettice Hooper deceased—

His Majesty this day took the said Report into Con-
 sideration and was Pleased with the Advice of His
 Privy Council to Approve thereof and to Order as it is
 hereby Ordered, that the said Archibald Home Esq^r be
 Constituted and Appointed a Member of His Majestys
 said Council of New Jersey in the room of the said
 Robert Lettice Hooper.¹ And His Grace the Duke of
 Newcastle His Majestys Principal Secretary of State is
 to Cause the usual Warrant to be prepared for His
 Majestys Royal Signature—

A true Copy

TEMPLE STANYAN

*Communication from the Lords of Trade to the Lords
 Justices—relative to Ensigns to be borne by ships
 having private commissions.*

[From P. R. O. B. T. Plantations General No. 36, Ent. Book G, p. 279.]

To their Excellencies the Lords Justices.

May it please your Excellencies,

In our Representation to your Excellencies of the
 21st and 22^d of July last, which accompanied the
 Instructions We had prepared for His Majesty's Gov-
 ernors of the Massachusetts Bay and New Hampshire,
 We took Leave to propose an Alteration to be made in
 the Colours to be worn by all Ships having private
 Commissions or carrying Letters of Marque or Reprisal,

¹ Mr. Home died in 1745 and was succeeded by Andrew Johnston on June 19th, 1745.

to make the same conformable to those given by His Majestys Commissioners for executing the Office of High Admiral of Great Britain to the Commanders of Vessels having Letters of Marque or Commissions for Private Men of War; And your Excellencies having been pleased to refer the said Representation and Instructions to the Lords of the Committee of His Majesty's most Hon^{ble} Privy Council, Their Lordships upon Perusal thereof, did by their Order dated the 7th instant, direct us to consider whether Draughts of Additional Instructions relating to the said Ensigns should be sent to such Governors as have not been already instructed upon this head, & We apprehending the same may be for His Majesty's Service, have prepared the inclosed Draughts of Additional Instructions for that purpose, which are most humbly submitted to Your Excellencies.

M BLADEN.

B: KEENE

R: PLUMER

JA: BRUDENEL

[The instructions were to the following effect.]

“That is to say, Such as is worn by our Ships of
 “War, with the Distinction of a white Escutcheon in
 “the middle thereof; And that the said Mark of Dis-
 “tinction may extend itself to one half of the Depth
 “of the Jack, and to one third of the Fly thereof.” It
 is His Majestys Will & Pleasure, And You are
 hereby required for the future to oblige all Com-
 manders of Ships to whom You shall grant such Com-
 missions to wear the same Ensign as Merchant Ships
 & a red Jack with the Union Jack in a Canton at the
 upper Corner next the Staff, instead of those men-
 tion'd in former Instructions,

Letter from Governor Lewis Morris to the Lords of Trade—about New Jersey affairs.

[From P. R. O. B. T. New Jersey, Vol. IV, F 43.]

Trenton, August 16th 1741

My Lords,

I have received the Honour of your Lordships of May 20th and 21st and August 1st 1740, and one of April 17th 1741 with two Acts of Parliament Pursuant to your Lordships commands of the 1st of August 1740. I gave the Commissioners residing in this Province the Information by your Lordships directed, but I am told none of them attended and that the Settling the bounds, between Boston and Rhode Island (if done) was done without their Assistance.

In Obedience to your Lordships of May 21st 1740 I have directed the Secretary of this Province (who farmes the Office of one Burnet in England who has the Patent for it) to Search the Office and give mean Account of what Laws have been pass'd but the Offices being kept in two places Viz! Amboy and Burlington and not Being Formerly kept so carefully as they should, a collection Even of their titles will be not Easie to make, and much more so to get them transcribed, the transcribing the minutes of the Council and Acts of Assembly Each Session and duplicates of them which is twice done by the Secretary and is a burden upon the Officer which the Assembly has given but a Scanty allowance for doing, and such as is very far short of paying for the Service done.

During the Sitting of the Assembly at Burlington I discovered an Old chest full of papers belonging to that Office and among them many of the Original Laws put in a Garret of a House that I had hired where I lodg'd my Servants, & it was a great chance that many

of them were not us'd for waste paper. they might have been as carelessly kept at Amboy for Ought I know, there having been no publick provision made for a place to keep them in, Either there or Elsewhere. There having been Coppies of all the Laws made here from time to time as they were made transmitted to the Secretary of State for the time being, and Duplicates of them to the board of trade, Each of those Offices are probably furnished with a compleat collection of them to lay before the house of commons if they desire it; however I will do what I can for Your Lordships Information on that head.

Your Lordships of the 20th of May 1740, requiring an Account of the tenor and Amount of the Bills of Credit current in New Jersie, with my Opinion what would be the most ready way to Sink and destroy them with the least Prejudice to the inhabitants, I laid before the Council, as I did your Lordships of the 5th of July 1739, with Coppyes of Addresses Ordered by the Lords and Commons to be made to His Majestie much to the same Purpose. I sent your Lordships the Report of the Council in answer to that of the 5th of July which I hope came to your Lordships hands; but, least that should have Miscarryed I send your Lordships another transcript of the minutes of Council then sent. I also send the minutes of Council commencing the 1st of December 1740. & ending the 2^d of May 1741. Among those last mentioned minutes there is one of January 1st 1740, with relation to your Lordships letter of the 20th of May 1740. the 1st part of which they conceive was fully and compleatly answred by their report of the 4th of December 1739, and gives an Account of all the Bills that have been and now are Current in this Province Except £2000. in bills of Credit made current Since for Vicualling and transporting the troops rais'd in this Colony sent against the Spaniards. This Report of the 4th of

December is in the two last leaves of the former minutes & with respect to the Sinking of them, they think the best and most Effectual way to do this would be to do it in the manner Prescrib'd by the Acts that gave them a currency. I propos'd Several questions to them as your Lordships will see by the minutes of the 2^d of January which they took time to Answer & on the 4th of Aprill following rather Evaded as I think than Answer'd directly—They would not allow that there was any alteration in Our currency but the bills of Exchange had got to a higher rate than they had been, and that the exportation being Encreas'd the course of Exchange had fallen to 50 P Cent. and that the Increase of the exportation was the chief cause thereof.

That there was no alteration in Our currency I take to be a mistake, it is true that there was no nominal Alteration, a bill mark'd 20 Shillings pass'd for 20 Shillings and was called 20 Shillings and would have done So, if Exchange had risen to 500 P Cent as well as to 70 P Cent, but the owner of the bill could not have purchas'd so much Silver and Gold for his 20 Shillings nor so much English cloth or what Elce of that Kind he wanted as when Silver pass'd at 6^s 10½^d P Ounce, which was the nominal Vallue his bill was Struck at, And unless Silver & Gold had risen in its Vallue Exchange could not has [have?] risen: And the reason of its rising I do not take to be Owing to a paper Currency but to the want of a proper return, and for that reason owing to the British factors themselves for they having sold their goods and receiv'd pay in the paper Currency, and being under a necessity of making returns to their Employers, they by from time to time offering great prices for Silver, Gold or bills of Exchange have rais'd the Value of them & those that have Silver Gold or bills of Exchange, Knowing the necessity these factors are under to make returns, will

not part with them but at their own rate, & this or some thing like it would be the case where direct returns are wanting where there no Paper Currency; for, the mercantile part of men in these parts are of Opinion (& I believe our Council thought the same way) that foreign Coyne of Gold and Silver are of the nature of piggs or ingots of Silver and Gold, A Merchandise, whose Value like other Commodities may rise or fall in proportion to the Demand there is for them; and on this notion it has been by Agreement among these sort of people that Pistoles and Silver have been rais'd in their Value from time to time and of different Values in different Provinces according to the necessity there was of making returns, or the natural foundation of credit there was for the bills of Credit Emittid, or both, and consequently English Gold and Silver must have rais'd also and have been Current in payments at Various nominal Values in Various Collonyes & this I take to be the Various currencies meant. These nominall Values of the coin whatever they were, would purchase no more than the Same nominall Vallue of the paper currency would do: As if a Guinea went at 5 pound (which I think it did in New England) it would purchase Just as much as a New England paper bill of five pounds would do, so that (according to our Councill) there would be no alteration of the currency 5 pounds being still 5 pounds but it seems plain to me that if a Guinea was at any time before that current at 30 Shillings in bills of Credit, that when it was current at 5 pounds in the same bills it required 5 pounds to purchase that Guinea which 30 Shillings of the currency or bills would have done before; which must make those bills (whatever nominal Vallue was Impress'd upon them) of so much less real Value than they were before.

The falling of Exchange from 70. to 50. and after that so Low as even to 25 P Cent in 2 or 3 Months

time and its rise again to 40 and rising Seems to be so Sudden to be Owing to the increase of the Exports as our Council Say, or the Contrary; and is said to be chargeable to Another Account Viz^t the want of Specie and of a sufficient quantity of currency to Supply the Ordinary necessities of Jersie and Pensilvania at that time; for much provision being to be Shipp'd for the Troops and Else where in the West Indies, bills of Exchange would not purchase this, unless chang'd into Specie, or bills of Credit; both of which being Scarce, there was a necessity of Lowring bills in Order to procure it, and when that End was Answer'd they soon rose again, So that the fall of Exchange was not Owing to a general Increase of the Exports, that being (if I Judge rightly) little (if any thing) more this year than usual; but to the time of doing of it, and peculiar Circumstances attending that Occasion which may not in a course of Years happen again.

As to the best way of sinking the Bills, (or whether it be best to sink them at all) is difficult to determine. Those of the Council that gave me their Opinion on that head Agree that its best to let them Expire by your Own limitation: but, when thats done, or if sunk sooner, unless there be a Supply of Specie or something that is tantamount, the reasons & necessity for making Others of some kind or other to serve as A medium of trade in lieu of Specie will be as Cogent and pressing as they were for the making those now in use; and if those reasons were good it Seems not Amiss to continue the practice while those reasons Subsist.

It has been said that while Jamaica and some of the other Islands carry'd on a Clandestine trade with the Spaniards & the West Indies the northern Plantations had Specie Enough for their own Currencie and to make such remittances as was Sufficient to Supply their wants; but that trade failing and with it the

Supply of Silver & Gold and their numbers and demands Increasing, they were under a necessity of having recourse to the Issuing bills of Credit to Supply the Defect of Specie, to serve as that did for a medium of Commerce; but remittances being necessary and not to be made in those Bills, those who had bills of Exchange or Silver made their Advantage of those who wanted & being to be paid in those bills of credit would not part with their bills of Exchange or Silver but on their own terms and this Depreciated the nominall Value of the Bills of Credit in most of the Colonies, in some more than in others in Proportlon to the natural Credit upon which those bills were founded but fluctuating and Subject to change in all of them

The Province of New Jersie sends but few Vessels abroad; what they raise is chiefly sent from the Eastern division of it to New-York and from the Western to Philadelphia from which places they are for the most part supply'd with what European Commodities they want; they importing but little of that kind themselves; so that they are Very much out of the case with respect to the Value of Silver or Gold; what little they have (if any) comes from York or Pensilvania but chiefly from the Last to purchase Wheat for their own Exportation and then passes at the Value it goes in Pensilvania with those who take it which are not many; the generality preferring the bills of credit current Amongst them whose Value they know to Silver or Gold which they do not; and few of them having need of remittances are not concern'd whether bills of Exchange be cheap or deare which may be one reason that the bills or what they call the Paper Money of this Province have not only retain'd but Encreas'd their Credit being now $12\frac{1}{2}$ P Cent better than those of the neighbouring Province of New York.

Silver and Gold being the medium of commerce in every country where a Sufficient quantity of it for that Purpose is to be had, it seems necessary that in coun-

tries where it is not to be had that Something Elce should be Substituted in its stead to Answer as far as may be that purpose; this the northern Plantations have done by bills of Credit which in some of them have prov'd a great conveniency to the Inhabitants Especially to those in this Province; and to destroy these altogether in places where they have retain'd their Credit without placing Something in their Stead that would Answer the Same Ends Seems to be very inconvenient for the Inhabitants and perhaps not beneficial to the trade of their mother country.

In things of this Kind there will not be wanting Various Projections and when duly considred Perhaps few (if any) of them practicable with less inconvenience than the methods now in use. Some have conceiv'd that the calling in all the Bills that are now in use and issuing others in their Stead upon the Same Security and lent in the same manner with this only difference of making the King the Lender instead of the Governments here; to which end they Suggest that if His Majestie would be graciously Pleas'd to Asscertain what Salaries he thought proper to allow to his Several Governours, to the Councillors, during their Attendance in Council, to the Secretaries, Clerks of the Council, Judges, Receivers General and other necessary Officers of the Governments, and Incidental charges at a Sterling Value; and that so many bills of Credit be printed in or for each of the Provinces that when put at a moderate Interest of 4. 4½ or at most 5 P Cent the Interest arising from them may defray the charges of Each Government And that attending the printing and letting these bills Each of these Province bills to be distinguished, to be regularly paid in and let out as now, and when worn or Obliterated new made to change them as at Present.

This it is said will Asscertain or prety nearly Asscertain the quantity of what they call paper Money in the

plantations, prevent the making any more for the future than what his Majestie will please to direct, render the Several Governours, Councillors and Officers of the Government independant on Assemblies for their Support, and consequently prevent those mean Condescensions that are too often made to Obtain a Scanty Subsistance, prevent the Governours from bartering the Kings Prerogatives or Lands for bread, give the Councils a greater weight and Influence than they at Present have and be a means of Keeping Assemblies within their Just and proper limmits.

Some of these things are very desireable; but to Obtain them seem to require the Aid Either of the Several Legislatures in the Plantations (which it is not to be Expected any of the Assemblies will give into, if they can Avoid the doing of it) or that of a Brittish Parliament and how far they will Judge it fit bills of any kind should be current in the Plantations is what I cannot say.

The People who are the borrowers, and who truly only Support this Government would be Very indifferent whether such Bills were made by the Authority of a British Parliament or Jersie Assembly, or whether lent by the Government here or the King, so as they could have them at a Moderate Interest.

Where Gold and Silver is wanting that it is necessary there should be Something to pass current as A medium of trade in Lieu of it Seems to me Evident.

Inclosed is a Proclamation Issued in Obedience to the commands of the Lords Justices, we are not in much Danger in this Province of their Acting contrary to the Act of Parliament, and I will do my utmost Endeavours that such as do shall be prosecuted. I am

My Lords Your Lordships most Obedient

Humble Servant

LEWIS MORRIS.

Lords Commissioners of Trade & Plantations.

Memorial of the Committees of the Proprietors of East and West Jersey to Governor Morris—relating to the line between New York and New Jersey.

[From Papers of James Alexander, Surveyor General, in Rutherford Collection, and Papers of F. J. Paris in the New Jersey Historical Society Library, Vol. IV, p. 125.]

NEW JERSEY S^s

TO HIS EXCELLENCY LEWIS MORRIS ESQ^R Captain General and Governour in Chief in and over his Majesty Province of New Jersey and Territories thereon depending in America and Vice Admiral in the Same &c

THE HUMBLE REPRESENTATION of the two Committees appointed by the Eastern & Western Division of the Council of Proprietors for making an Order to promote the settling of the Division line Between the Provinces of New York & New Jersey And also the line between the Eastern & Western division of this Province

May it Pleasure Your Excellency

We being appointed by the Councils of Proprietors of the Eastern & Western Division of the Province to Conferr about the settling & Adjusting the Division lines above mentioned, Have been applyed to by some of the Inhabitants of this Province Who dwell contiguous to the Supposed line between this Province and the Province of New York, in Order to redress many Grievances and Injurys said to be offered them from that Neighbouring Government: And having made a strict Inquiry into the Affair Do find upon the best information We were able to procure, that the

People of that Government have Encroached on the lands within the limitts of this Province and thereby dispossessed many of his Majestys Subjects Inhabiting therein of their unquestionable Rights, under pretence that the said Lands so by them possessed & Claimed were within the limitts of New York Government, And also Offered divers outrages & Insults to many of the Officers of Your Excellency's Government in the actual discharge of their Dutys & Commissions within the undoubted bounds of this Province, And Caused many of them to pay quitt Rents and other Taxes for lands certainly within this Province of New Jersey held under the proprietors thereof, And as We Imagine that the many inconveniencys the Inhabitants in that part of this Province undergo are principally owing to the Division line not being run pursuant to the Acts of Assembly for that purpose made in both the said Provinces.

WE most humbly desire Your Excellencys Assistance & Interest in the procureing the said line to be run Between the said Provinces in such manner as to Your Excellency shall seem most proper & in the mean time to use Your Excellencys influence to put a Stop to all Outrages & unjust proceeding by the Government of York against the Inhabitants of this Province

Dated 2^d Sept^r 1741

WE are your Excellency's most Obed^t h^lble Serv^{ts}

Western Division

Eastern Division.

John Reading

Rich^d Ashfield

Mahlon Stacy

Da: Don: Dunster

Clem: Hall ✓

Sam^l Leonard

John Coxe

Sam^l Nevill

[Under date of June 28th 1742, no action having been taken by the Governor on the above representation, he was again appealed to by the Council of Proprietors of East Jersey: they said "As there was at that

Time a Governor daily expected at New York, it was then thought proper to let the Affair rest till he should arrive, But as no Governor of New York is yet arrived, and the present unsettled Situation of Affairs in England renders it uncertain when any will, the unhappy Differences now subsisting between the Inhabitants of New Jersey and New York, occasioned by the said Partition Line being yet unsettled, and which seem to threaten dangerous Consequences, oblige us, Sir, to remind you of our former Petition * * We therefore pray Your Excellency to write to the present Lieutenant Governour of New York to join with Your Excellency in endeavouring to bring the Settlement of the aforesaid line to a Speedy Conclusion."—ED.

Representation of the Council and Assembly of New Jersey to Governor Morris—relative to encouragement for the making of iron.

[From P. R. O. B. T., New Jersey, Vol. IV, F. 46 x 47.]

To His Excellency Lewis Morris Esq^r Captain General & Governour in Chief in and over His Majesty's Province of New Jersey and Territories thereon depending in America and Vice Admiral in the Same &c.

The Humble Representation of His Majesty's Council and the House of Representatives of the Province of New Jersey in General Assembly met and Convened.

May it please Your Excellency.

We the Council and House of Assembly beg leave to Represent to Your Excellency, That this His Majestys Province of New Jersey under Your Government and

other the British Colonys in North America (by the Divine Indulgence) are abundantly Stored with Iron Ore as also with Suitable Conveniences and proper materials for making the Same into Pigg mettal and Barr Iron; and could under due Encouragement largely Contribute towards, and probably in some years wholly supply Great Britain and Ireland with that necessary Commodity for which they become Annually greatly Indebted to Sweeden and other fforeign Nations.

That We are well informed that on repeated proofs made of American Iron before the Officers of His Majesty's Navy and other Skillfull persons, the Same has been declared to Equal if not Excell in quality the best Sweedish Iron.

That the Inhabitants of this and the other Northern Colony's have hitherto made but small Advantage therefrom having Imported but very inconsiderable quantities Either of Pigg mettal or Barr Iron into great Britain or Ireland by reason of the great discouragement they lye under from the high price of Labour in the said Colonies and the Duties by Act of Parliament on those Com'odities Imported from his Majesty's Plantations in America.

That should it please the British Legislature to take off the duties at present payable on Importation and to Allow such Bounty thereon as to them in their Great Wisdom might seem reasonable the Inhabitants of this and other His Majesty's Colonies in North America would be thereby the better enabled to discharge the Respective ballances due by them to their mother Country, And greatly to encrease the quantities of her Manufactures to them Exported (as their Returns would be in those only) whereby the Annual Debt by her incurred to Sweeden and other fforeign Nations for Iron would be considerably Lessen'd and the Navigation and Ship building throughout the Brittish Dominions greatly encouraged and enlarged.

Wherefore We the Council and House of Assembly humbly request your Excellency That you will be pleased to Lay the Substance of this our Representation before His Majesty The tender ffather of the people whose paternal Care extends Even to the remotest of his Subjects. And in our behalf Humbly to beseech him, that he will be graciously pleased to recommend our Circumstances as above set forth to the Consideration of his Parliamant, or take such steps for our relief and Encouragement as to him in his Royal Wisdom and goodness shall Seem fitting

Nov^r 4th 1741

By Order of the House of Assembly

W^m Johnston Sp^r

November 4th 1741—By Order of the Council

John Reading

*Memorial of Rodrigo Pacheco and Richard Partridge
on behalf of the Proprietors of East Jersey, to the
Lords of Trade—asking for the confirmation of
a certain Act.*

[From P. R. O. B. T. New Jersey, Vol. 4, F. 47.]

Memorial of Roderigo Pacheco, in behalf of the Proprietors of the Eastern Division of New Jersey, praying y^e Board to Report upon

an Act passed in that Province in Nov^{br} 1703, for Regulating the Purchasing of Land from the Indians.

To the Right Hon^{ble} the Lords Com[']issioners for Trade & Plantations—

The Memorial of Rodrigo Pacheco in behalf of the Proprietors of the Eastern division of y^e Province of New Jersey.

May it Pleasure Yo^r. Lordships

An Act has been passed in y^e said Province of New Jersey by the Gov^t Council and Assembly there in y^e second year of her late Majesty Queen Ann Entitled an Act for regulating the purchasing of Lands from y^e Indians, which Act has been since to wit on y^e 24. day of Novem^r in the fifteenth year of his present Majestys Reign Exemplified by the Governour of the said Province under the Seal thereof as appears by the Exemplification hereunto annexed, & which Act has been found necessary & of good Service to his Maj^{ty}s Subjects in the said Province—In consideration

Whereof Your Memorialist most humbly prays Yo^r Lordships would be pleased to report on the said Act to His Majesty in order for its receiving the Royal Approbation.

Which is Humbly Submitted

RODRIGO PACHECO

I do also humbly request that the aforementioned Act may be confirmed by the King—

RICH^d PARTRIDGE

Agent for y^e Province of New Jersey

London June y^e 16. 1742

Address of the Eastern Council of Proprietors to Governor Lewis Morris—relative to the Partition Line between New York and New Jersey.

[From Papers of F. J. Paris in the New Jersey Historical Society Library, Volume II, page 127.]

TO HIS EXCELLENCY LEWIS MORRIS Esq^r Captain General & Governor in Chief of His Majesties province of New Jersey and Territories thereon depending in America & Vice Admiral in the Same, &c.

May it please your Excellency

The Council of proprietors of the Eastern Division of the Province of New Jersey humbly Beg leave to represent to your Excellency, That, about the month of September last, the Committees of the Councils of proprietors of the Eastern and western Divisions of New Jersey, waited upon your Excellency with an address, relating to the partition Line between New Jersey and New York: to which address your Excellency was pleased to give a favourable answer; promising to use your utmost endeavours to effect the Same: And as there was, at that time, a Governor daily expected at New York, it was then thought proper to let the affair rest til he should arrive. But as no Governor of New York is yet arrived, and the present unsettled Situation of Affairs in England, renders it uncertain when any will, The Unhappy differences now Subsisting between the Inhabitants of New Jersey and New York, Occasioned by the Said partition Line being yet unsettled; and which Seem to threaten dangerous consequences; Oblidge us, Sir, to remind you of our former petition, There being Leases of Ejectment lately Served by John Bayard on the Demise

of Henry Wileman, Claimers under a New York title, in the inferior Court of Orange County in the province of New York, upon persons about Seven miles (as we apprehend the Line Runs) within your Excellencies Government; and great Commotions and disturbances Seem to threaten these proceedings if not timely prevented, We therefore pray your Excellency to write to the present Lieutenant Governor of New York to Join with your Excellency in endeavouring to bring the Settlement of the aforesaid Line to a Speedy Conclusion; and we hope, Sir, you will take Such further Measures for this end, as you Shall think proper and Convenient, We are

Your Excellency's most obedient and most

Perth Amboy humble Servants—

June 28th 1742

by order of the Council of Proprietors,



Affidavit of James Alexander—relative to the position of the North Partition Point between New Jersey and New York.

[From Papers of F. J. Paris in Historical Society Library, Vol. A, p. 86.]

| | | |
|---|---|--|
| Bayard on demise of Wileman ats Turn- out | } | Ejectment for lands said to be in Orange Coun- ty. Removed by habeas Corpus |
|---|---|--|

JAMES ALEXANDER who for about twenty seven years last Past hath been and Still is Surveyor General of the lands of the Eastern and Western Divisions of

the Province of New Jersey maketh Oath that the Commissioners and Allan Jarratt Surveyor appointed for the Province of New York and Commissioners and him the said Alexander Surveyor appointed for the Province of New Jersey in pursuance of Acts of Assemblys of the said Respective Provinces for running and ascertaining the Division line between the said Provinces did for that purpose in the month of June One thousand seven hundred and nineteen meet at Mackackemak at the House of one Swartwoot and there agreed on means for ascertaining that branch of Delaware River upon which the North point of the said Partition line should be and the said Surveyors took an observation for making an Estimate how far Mr Swartwoots was from the Latitude of forty one Deg^s and forty minutes in which Latitude the said partition point should be and by that observation the said Surveyors esteemed they were about Sixteen minutes South from the said Latitude that by the means agreed on that Branch of Delaware River called the Fish Kill was ascertained to be the branch upon which the north partition point should be and an actual Survey was in the said month of June and July following made from Swartwoots to the said Partition Point which was agreed on after many Meridional observations of the sun taken by the said Jarratt & Alexander near the said Partition Point both to the Northward and Southward thereof that on or about the twenty-fifth day of the said Month of July the Commissioners and Surveyors aforesaid of both the said Provinces executed Indentures under their hands and seals for Commemorating and ascertaining the place of the said north partition point so settled and agreed on that after protraction of the Survey aforesaid from Swartwoots to the said North Partition Point they the said Surveyors from that and the best Information they then had did estimate that the Partition line would nearly run South

forty seven degrees east according to the magnetick compass then was from the north partition point afores^d to the South partition Point upon Hudsons River that the said line fell about one hundred and twenty chains distant upon a perpendicular to it from the said Swartwoots upon a North forty three Degrees East course from said Swartwoots to the said line and with the consent of the said Commissioners they the said Surveyors did direct John Harrison and John Chapman Surveyors upon Oath with chain bearers to run from said Swartwoots North forty three degrees east One hundred and twenty chains to meet the said estimated Partition line and from thence to run south forty seven degrees east to Hudsons River marking the trees along the line and marking the number of miles from Swartwoots said perpendicular *at the end of every mile* which work was as this Deponent believes Justly performed by the said Harrison & Chapman & their chain bearers a Journal of which work was delivered by the said Harrison & Chapman to the said Jarratt and Alexander on or about the seventeenth day of August One thousand seven hundred & nineteen (a copy of which the said Alexander entered in a Book in which he entered the transactions aforesaid and all other material Transactions concerning the said line in which he was concerned) And this deponent further says that in the month of August One thousand seven hundred and nineteen he with the said Allan Jarratt did make five or six observations of the Sun's meridional altitude on the West bank of Hudsons River at or near whats known by the name of Corbitts Old house below Tapan Creek in Order for the discovery of the Latitude of forty one upon Hudsons River, where the South Point of the said Partition line ought to be and the Commissioners being then not come the said Allan Jarratt went for

about four days to New York during which time the said Alexander made Sundry observations of the Sun's meridional altitude and observed also the meridional altitude of eight different remarkable Stars whereof some to the Northward & some to the Southward of the Zenith in two different nights that upon Allan Jarratts return from New York on or about the Seventeenth day of said Month of August he brought word of Captain Walter's one the Commissioners being Sick and as none of the other Commissioners were come they the said Alexander and Jarratt departed for New York and no meeting was afterwards to this day to this Deponent's knowledge of the said Commissioners and Surveyors for ascertaining the said line and this Deponent Says that by the help of sundry actual Surveys since made of which he has memorandums the lands in Question in this Suit upon a perpendicular from the said Estimated & markt Partition line to the best of his Judgment are upwards of seven miles Southwesterly from the said markt Partition line And this Deponent farther says that he hath carefully computed the observations made by him and Jarratt at Corbitts Old house & the observations made by himself there alone and from them hath made an estimate where the true line of Partition ought to run according to those observations and to the best of this Deponents Judgment from thence and actual Surveys the lands in question in this Suit lye several miles Southward from the nearest place (to the said lands) thro' which the true Partition line should run And this Deponent farther Says that in a Book in the Secretary's office of New York he believes entitled a Book of General Entries from 1686 to 1702 fo. 49 there was an Entry as Subscribed by Andrew Robinson & Philip Wells that by two observations of the Sun's meridional altitude made the eighth & twenty ninth days of September 1686, it appeared to them & George

Keith observers that the fortieth and one degree of Northern latitude upon Hudson River is one minute & twenty five Seconds to the Northward of Yonkers Miln And this deponent farther Says that to the best of his Judgment & by the help of actual Surveys a line runing from the said point estimated by Wells & Robinson as aforesaid as the partition point on Hudsons River to the said point fixed upon the Fish Kill branch of Delaware river by the Commissioners and Surveyors as aforesaid will leave the lands in Question considerably to the Southwestward thereof And this Deponent says that besides the lands in question there are sundry lands in the actual possession of the proprietors of the Eastern devision of New Jersey & their assigns which to the best of his Judgment are several Miles nearer to the said estimated & markt partition line than the lands in Question are and that he partly knows & in part hath heard & verily believes that the Sherifs and Justices of the Peace of the Province of New Jersey do exercise & for many years past have actually exercised the Jurisdiction of New Jersey upon & to the Northward of the Lands in Question & nearer to the said markt Partition line without any Interruption .

JA. ALEXANDER.¹

Sworn the twenty fifth day of January MDCCXLII² before James De Lancey.

¹ An affidavit of similar import, in a case Daniel Harrison ads. Thomas Dikey, is on page 90 of the same volume, under date of May 16, 1796.—Ed.

² 1742-3.

*Letter from Secretary Hill to M^r. Fane—relative to
two Acts of the New Jersey Assembly.*

[From P. R. O. B. T., New Jersey, Vol. XV. page 29.]

Letter to M^r. Fane, for his Opinion on two Acts
passed at New Jersey, one in Nov^r 1703,
the other in Nov^r 1742.

To Francis Fane Esq^r

March 8th 1742-3

Sir,

I am commanded by my Lords Commissioners for Trade and Plantations to send you the two inclosed Acts passed at New Jersey; the one Entituled *An Act for regulating the purchasing of Land from the Indians*, Passed in Novem^r 1703;¹ The other Entituled *An Act for the Support of the Government of His Majesty's Province of New Jersey for one Year, to commence the 23^d of Sep^r 1742, and to end the 23^d of Sep^r 1743*; passed the 25th of Nov^r 1742;—and to desire your Opinion thereon in point of Law as soon as conveniently may be.

I am Sir

Your most humble Serv^t

THO^S HILL

¹ This Act, although of great importance to the Proprietors, had never received the approval of the crown, having been transmitted without the recommendation of the Governor. See Papers of Lewis Morris, page 158. Both Acts were submitted to Thomas Fane, for his opinion, and reported upon favorably, although not until April 18th, 1743.—Ed.

*Letter from John Hamilton to the Lords of Trade—
relative to the claim of Lewis Morris for salary
while striving to obtain the Presidency of New
Jersey.*

[From P. R. O., B. T., New Jersey, Vol. V, F. 52.]

Letter from M^r Hamilton, Eldest Councillor in
the Province of New Jersey, to the Board,
inclosing the Case stated betwixt Col^o Mor-
ris & the said M^r Hamilton, relating to
Col^o Morris's Claim to the Government,
before he receiv'd his Lett^{rs} Patent to be
Gov^r of New Jersey. Rec^d August the 4th
1743.

My Lords.

The last I did my Self the Hon^r to write to Your
Lordships was on the 30th of May 1739 In that I
Acquainted you that Coll^o Morris had received And
published his Commission to be Governor of this Prov-
ince and that when he held a Council to Sign the
Warrants for the Officers Salarys, he refused to grant
me a Warrant for My Salary as President & Com'an-
der in Chief from the 23^d of June 1738 to the 28 of
Aug^t following, the day he published his Com'ission as
Governor And told me he Expected I should pay him
all the Salary I had received as president from the 20th
of October 1736 the time he came here and demanded
the Government and if I did not he Should be obliged
to Sue me however I heard nothing further (tho he
Still Keeps me from that Warrant) of it till last March
and then the Governor Com'enced An Action Against
me for the Salary I had received from the 20th of Octo-

ber 1736 and lays the damages att £3000. which Suit is not Yet come to A tryall.

As I Acted whilst I was president all Along in Obedience to Your Lordships directions to me so now I humbly hope for Your protection and Assistance in what method Your Lordships thinks proper but a Letter from Your Lordships signifying that att the time Coll^o Morris demanded the Goverment in Oct^r 1736 he was not then of the Council (w^{ch} by M^r Popples letter to me certainly he was not) And of Course could have no pretension att all to the Goverment, Such a Letter My Lords would be of great Service to me upon this tryall And of You would be pleased to favour me So farr I hope to receive it time Enough befor the tryall comes On.

I presume to Send Your Lordships the Case Stated betwixt Coll. Morris and My Self relating Coll. Morris's claim to the Goverment befor he received his Letters patent to be Governor of this province which I hope will lett Your Lordships fully into the matter And shall take no more of Your Lordships time up but to Assure You that I am with the most dutyfull regard

My Lords Your Lordships Most
humble & most Obedient Servant

Amboy June 9th 1743

JOHN HAMILTON

The Right Hon^{ble} the Lords Commissioners for trade
& plantations.

Letter from Samuel Gellibrand, Deputy Secretary of the Lords of Trade, to John Hamilton—in answer to the foregoing letter.

[From P. R. O. B. T. New Jersey, No. 15, Ent. Book D, p. 32.]

To John Hamilton Esq^r Eldest Councillor in the
Province of New Jersey.

Sir,

In the Absence of M^r Hill, I am commanded by my Lords Commissioners for Trade and Plantations, to acquaint you, that their Lordships have received your Letter dated at Amboy the 9th of June 1743, by which you inform them, that M^r Morris had commenced a Suit against you for the Salary you had received, as President and Commander in chief of the Jerseys, from the 20th of October 1736, to the 23^d of June 1738, Whereupon you have desired their Lordships Assistance, and they have ordered me to acquaint you, That from the Death of M^r Anderson on 28th March 1736, they have looked upon you to be the legal President & Commander in chief of the Province of East & West Jersey, and in consequence thereof, always directed Letters and Orders to you in that Quality, till M^r Morris took Possession of the Government, by Virtue of His Majesty's Commission.

Whitehall

I am Sir,

August 23^d 1743

Your most humble Servant

SAM^l GELLIBRAND. D. S.

Instructions from John Hamilton and Andrew Johnston to John Lawrence for running the Partition Line between East and West Jersey.

[From Original among Papers of F. J. Paris in the New Jersey Historical Society Library, Package 6, No. 18.]

Instructions to M^r John Lawrence Concerning
the Runing the Partition Line between
East and West Jersey.

1st With this you'll Receive a Commission to you for Runing the Partition Line between East & West Jersey to the Execution of which you'll be sworn as in the Draught of the Oath on the Back thereof.

2^d You are to Employ Martin Ryerson or Gersham Mott or some other as an Assistant Surveyor if you think proper & also proper Chainbearers & Markers all which are to be sworn or Affirm'd truely to Perform the Office you Employ them in, and to have a Certificate of those Oaths or Affirmations indors'd on the back of your Commission and Sign'd by the Magistrate who Administers the Oaths or Affirmations to them, before you Proceed to the Work,—only in Case when you are on the Work by reason of Sickness or otherways you find Occasion to Employ more or other Persons than at first you intended, you may Proceed with them untill you Come near the Habitation of a Magistrate & then Cause them to be Sworn or Affirm'd before him that they have hitherto well and truely Executed and that they will well & truely Execute the Office you have Employ'd them in to the best of their Knowledge, and you are to Direct the Chainbearers in Chaining to hold the Stick they are next to Put in the Ground in the same hand with the Chain & within 3 or 4 Inches of the End that they are to Push in the

Ground & to Stretch the Chain at Setting it in the Ground and to Direct the Marker to Mark the Trees as hereafter shall be mentioned—

3^{dly} You are to Proceed to Little Egg Harbour on the Sea Coast with the hands by you Employ'd & there Ascertain the most Southerly Point of a Certain Beach or Island of Sand Lying next & adjoining to the Main Sea on the North Side of the Mouth or Entrance of a certain Inlet Bay or Harbour Call'd Little Egg Harbour, to the Ascertaining whereof the finding the markt Trees of the Line run by George Keith in the Year 1687, (a Coppy of whose Survey from Lib: O. Page. 1. you have herewith) from that same Point may be Assisting to you, for in that Line that Point then was, & Storms may since that have altered it by Adding to it or washing from it, but the Place where it formerly was we Conceive is what's to be adhered to—if the Point Remain now in the Line of George Keith & consequently is in the same Place now where it then was— Then

4^{thly} You are to Chain Eastward upon the Main Land untill the Point come to have the same bearing as the Course which by your best Judgm^t you Conceive you ought to Run for the Random Line and when it bears that Course, you are to Compute by numbers the Distance to the Point, which by the bearing at George Keiths Line & the bearing at this Place with the Distance Chain'd, you'll be Enabled to Do & mark that Distance upon the nearest Lively Tree, & in your Journal there also remarking the Course & Distance of the Tree from your Line, and then Proceed on your Line till you Come to the next Compleat Mile & there mark the Number of Miles from the Point & Enter in your Journal the Course & Distance of the Tree you mark it on from the End of the Mile in the Line, and so Proceed on your Line marking a Tree at the End of Each Mile with the Number of Miles that its distant from the Point.

5^{thly} But should the now Point be different from what it was at the time that George Keith run Then that Variation must arise ^{1st} by Sand or Earth being added to the Point by Storms, or ^{2^{dly}} by Washing away the Sand or Earth, If the first has happen'd then the now Point is South Westwards of the Point that was in being in 1687, & Consequently George Keiths Line Continued will Cutt the Island & as you can probably have nothing to Direct you to know whither most was added on the Side towards the Sea or Side towards the Land, therefore the midle of the Island upon George Keiths Line seems to Us most rational to be Chosen as the Place of the Point in the year. 1687. & there a Signal is to be sett up, or in that Place one of your People is to stand still till you have Measur'd to your Random Line & Observ'd the Signal or that Person to be in your Random Line, by which you'l have the Distance to the Signal as before, & then mark & Proceed in your Line as before—

6^{thly} But should Storms have Wash'd away the Point from the Place it was in. 1687. then it stands to Reason that the Place of the former Point will be on the Water in the Mouth of the Inlet and in such Part thereof as will be Intersected by George Keiths Line Continued & in a Line drawn from the Northermost to the Southermost Points of the Inlett to which Place a Canoe or Periagoe should be sent & when gott into the true Place which as to George Keiths Line may be either done by Signals from you on the Shore to Go to the Right or Left or more speedily by takeing a Compass aboard & going between the two Points of the Inlett & moveing backwards & forwards till they in the Canoe find you on the Shore to be in the Course of Keiths Line, and then they are to fix the Canoe the best they Can in that Place by Grapling or Ropes tyed about Stones untill you have Measur'd to your Random Line & there taken your Observation to find & Com-

pute the Distance to the Canoe which mark on a Tree & proceed as before

7^{thly} As to the Course of your Random Line we Leave it to your Judgment to Chuse, the same being little otherwise material, than that the nearer you Guess to the true Line, the Less will your Labour be in fixing the true Line, but tho' we Leave it to your Judgment yet we think proper to take Notice to you that by a Computation which has been shown to you, made by Benjamin Eastburn Late Surveyor General of Pensilvania of the Traverse, which is Run by John Chapman about the Year, 1721. by Order of the Council of Proprietors of West Jersey, the Course of the true Line should then have been North $8^{\circ} 42'$ West & Distance 141^{88} Miles but Allowing the Variation of the Compass to be one Degree in 20 Years the Course now in 22 Years after should be N. $9^{\circ} 48$ Minutes West, or nearest N. $9\frac{3}{4}$ Deg^r West.

8^{thly} In running your Random Line, you are to Remark in your Journal everything remarkable in your way As the Trees you mark the Numbers of Miles upon—at the End of Each Mile, whither it be an Oak a Pine a Walnut or whatever Tree it is, your Judgm^t of its Diameter, whether it stands on a Riseing Ground & how the Ground inclines in that Place, if the Land be well or badly Timber'd there & of what kind, & whatever else you can Remark that can Lead you or others at any Time to be certain of the Tree intended & be sure to Remark it's Course & distance in Ch^s & Links from the End of the Mile in your Line for its not to be Expected to find Trees often Exactly at the End of the Mile—

9^{thly} You are to Cause every Tree which your Random Line cutts to be markt with three Notches on two Sides & Lett the Notches be as neerly as possible in the Places where the Line goes thro the Tree, & as to the Trees near the Line if on the Right hand of the Line

Let them be markt with one Blaze on the West Side of them if on the Left hand with one Blaze on the East Side of them, Looking to the Line & Each with two Blazes on 2 Sides in the Course of the Line, and Lett as many of these as time will Admitt be markt so, and at the End of Each Mile Lett the Tree be markt with 3 Notches on the 4 Sides besides the Number of the Miles it is distant from the beginning Point—

10^{thly} You are to Remark in your Journal the Crossing of all Brooks, Streams, Rivers with their Names if you know them, their Breadths, their Courses & into what greater River they do Vent—

11^{thly} Upon the Sight of all Houses in your Way you are to take their Bearings in two Places of your Line, and the nearer you can do it so as to make those bearings meet at the House in an Angle of 60. Deg'. the more certain will your Observations give you the Exact Place of the House, but if it be 10. or 20 Deg^s more or Less it may do well enough, so upon the Sight of any other Thing remarkable near your Line you may fix the Place of it by two bearings as before.

12^{thly} If Martin Ryerson or any Person be with you who knows the Corners of any Patent or Survey thro which your Line Runs especially those of West Jersey beg him to Show you that Corner thereof which will come nearest to your Line & Measure to it, by which the Situation of that Patent or Survey will be fixt in Relation to your Line—

13^{thly} When you have so Proceeded in your Random Line (makeing as few Deviations as possible & Returning to your Line as soon as you are past the obstruction which Caus'd your Deviation from the Line) till you have come to Delaware River which its Suppos'd you'l Cutt some Miles below Minisincks Island, and that it will afterwards go all the way thro Pensilvania, in Runing of which you are to mark no Tree, & in Case of any Obstruction you have herewith a Let-

ter from M^r Peters Agent for the Proprietors of Pennsylvania to all Magistrates to Permitt you to Proceed & to Protect you—

14^{thly} In your Passing thro this Province We Conceive your Commission herewith will be sufficient Protection in so far as its made by the Authority of & Pursuant to the Act of Assembly af^d & whoever shall Presume to Obstruct you will be therein guilty of a Misdemeanor & Breach of the Act of Assembly & Subject himself thereby to be Prosecuted not only Criminally by Inditement or Information & to be fin'd at the Discretion of the Court, but also Civilly for the Damages done by the Obstruction which we Conceive none will be so foolish as to Subject himself to—

15^{thly} When you Judge yourself to be abreast of the Station Point on Delaware & a little further, which if Chapmans Traverse & the Computation there be right should be at the End of 141^{ss} Miles added to the Distance between the Mainland & the Point of Begining at Little Egg Harbour because Chapmans Traverse is only from the Main Land, Then are you to Go to the Station Point on Delaware, which you'll easily find by the Description in the Articles of Agreement thereof by the Comm^{rs} of both Divisions (whereof you have one of the Original Coppies herewith) & from thence you are to Run a Perpendicular to the Random Exactly measureing the Distance of that Perpendicular & also Exactly Measuring the Distance on the Random to the nearest Tree or Place whose Distance you had before found, in Order to find the Distance from the begining Point to the Perpendicular—

16^{thly} You may then Come back to the Place where your Random Cutt Delaware & in your Comeing you may Compute the Course of the true Line & the Distance of thereof from Each mile Tree of your Random Line upon Perpendiculars rais'd from your Random to the true Line, and for that Purpose you should Carry

a Table of Logarithms with you in order to be Exact in those Computations and to find the Course by the Logarithms the Rule is this—As the Distance from the begining to the Perpendicular: is to Radius :: so is the Perpendicular to the Tangent of the Angle of the Difference between the Course of the Random and the true Course, which Difference if the Random fall on the West Side of the Station Point is to be Subtracted from the Course of the Random, but if on the East Side is to be added to it, & the true course is thereby found, Another method without Logarithms may be this, as the Distance added to half thereof: is to 86 :: so is the Perpendicular, : to the Difference of the Courses—

The Integers if any be in the Answer are Deg^a the Rest of the Answer is Decimals of a Degree, which are to be Reduc'd to Minutes by this Proportion as, 100: is to the Decimals :: so is 60: to the Minutes.

This Rule by 86. is not absolutely true but in small Angles as in this Case comes Extremely near the Truth, & may be Used to See if no Error be in your Logarithmick Tables.

Then to find your Perpendicular from your Random where it Cros'd Delaware you may Use this Proportion, as the whole Distance: is to the Perpendicular from the Station Point:: so is the Distance from the begining to Delaware: to the Perpendicular at Delaware, Which distance being Sett of brings you to the true Line there.

To find the Perpendiculars at the Ends of the Mile Trees—find by Computation by Last Rule the Perpendiculars at the End of two of the Mile Trees & Subtract the Least from the Greatest & the Remainder is the Difference, or the Perpendicular at one Mile from the begining, which being added continually gives the several Perpendiculars, but to be Exact you you should have that Difference to the thousandth Part of one Link.

17^{thly} When thus you have found your true Course and Perpendiculars, you'l See whether it be Easiest to

Run & mark down the true Line from Delaware, Or to Sett off your Perpendiculars at the End of Each mile if your Random fall very wide of the Station Point the first will be the Easiest if you fall within half a Mile of the Station Point, then the Last way by Setting of the Perpendiculars will be Easiest, & still Easyer the further you come down, If you Chuse to run down the true Line then Lett the Line Trees be markt with Your Notches on two Sides where the Line cutts them, and the Trees near the Line with 3 Blazes on 2 Sides parallell to the Line & one Blaze Looking to the Line, and at the End of Each Mile Plant a Stake & Raise a Heap of Stones about it, & upon the nearest tree mark the Number of Miles as on the Random, Observing the Course & Distance from the Heap of Stones to the tree, & what Tree it is &c as in the 8th & 10th Instructions, & marking the Tree also with four Notches on four Sides.

18^{thly} If thus you run down the Line you should at the End of Every five or six Miles measure the distance to the Random to See if it Agrees with the Computed Perpendicular at that Place, which for want of more accurate Instrum^{ts} you'l always find to vary some Links, which an Extreme small Inclination—will from time to Time Correct, but should you neglect thus to Compare & amend those Errors might grow considerable.

19^{thly} If you Chuse to Sett off the Perpendiculars from the End of Each Mile of your random, Then at End of the Perpendicular Plant a Stake & make a heap of Stones around it & mark a Tree with the number you Came from on the Random &c, as in the 17th Instruction, and at the heap of Stones Sett the true Course of the Line, & mark at Least one Tree forwards & another backwards in the Line with 4 Notches on 2 Sides & the Side Trees in the Way to those two with Blazes as in 17th Instruction.

20^{thly} When you have Carryed the Line down to the Barrens below Crosswicks we think you need not Carry it farther because the true Line comes there very near to the Random, and we think the Random, with the Length of the Perpendiculars at Each mile Tree will be sufficient for the remaining Part.

21. When you have thus finish'd that Work you are fairly to Lay down on a Map the Random & true Lines with all the Things you Observ'd in their true Places, and make Return to Us of the Map and a Copy of your Field Work in Order for forming such Certificate of the Work agreeable thereto, as may be proper to be Recorded, you are also to Return your Commission in Order that it may be Recorded with that Certificate, and also the Original Agreement & of the Station Point herewith given You.

JOHN HAMILTON.

ANDREW JOHNSTON.

*Letter from Governor Lewis Morris, of New Jersey,
to Governor George Clinton, of New York.*

[From Papers of F. J. Paris in New Jersey Historical Society Library. Vol. A, p. 123.]

Perth Amboy October 22^d 1743.

[Extract.

* * * * I herewith Send you Coppys of the representation of the Proprietors of this province concerning the runing the Division Line betwixt this Province and New York, and of a petition of Some of the Inhabitants dwelling nigh where the Said Line is Supposed will run, complaining of abuses by some of the Inhabitants of New York; It is necessary that the Lines Should be run as Soon as may be, and untill that can be done, Some measures Should be taken to dis-

courage the proceedings complained of, which, unless done, will probably be attended with consequences, dangerous to the publick peace in those parts: and this I very much hope that your Excellency, by your orders to the Inhabitants of that part of the province of New York under your Government will endeavour to prevent; which is all I shall at present Say upon that head. * * * *

Petition of Abraham Vanaken and Juriam Westphale to the Governor and Council of New Jersey—relating to disturbances on the Northern boundary of the Province.

[From Papers of F. J. Paris in New Jersey Historical Society Library, Vol. A, p. 129.]

TO HIS EXCELLENCY LEWIS MORRIS ESQ^R Captain General and Governor in Chief in and over his Majesties Province of New Jersey and Territories thereon depending in America and Vice Admiral in the Same &c AND TO HIS MAJESTIES COUNCIL FOR THE SAID PROVINCE.

The Petition of Abraham Vanaken and Juriam Westphale, in behalf of themselves and many other of the Inhabitants of the province of New Jersey living in and near to Minisinks Island in Delaware River
HUMBLY SHEWETH

THAT by the original grants of this province of New Jersey, the Same was to be Bounded on the North by a Streight Line between it and the province of New York Extending from the Latitude of 41" on Hudson's

River to the Latitude of forty-one degrees and forty Minutes on the Northermost Branch of Delaware River

That by one Act of Assembly of the province of New York pass'd in the year 1717, and by another Act of Assembly of the province of New Jersey pass'd in the year 1718-9 Commissioners and Surveyors were to be appointed as therein directed for Runing and Ascertainning the said partition line by Mutuall Consent and agreement

That in the year 1719 Commissioners & Surveyors for the Said provinces Respectively were appointed pursuant to the directions of the Said Acts for Running and Ascertainning the Said Line of partition by mutual consent and agreement, and in the months of June and July 1719 they met together for that purpose on Delaware River and discovered the Northermost Branch of Delaware River to be that Branch thereof called the fish Kill, and after Many observations of the Latitude made on that Branch it was unanimously agreed that the Latitude of $41^{\circ} 40'$ was in the Indian Town called Cashieghtonk on the Said Branch of Delaware, which Indian Town is upwards of forty Miles above Minisink Island aforesad, and accordingly the Said Commissioners and Surveyors unanimously Executed Indentures under their hands and Seals Ascertainning the place aforesaid in the Said Indian Town to be the North point of the Said partition Line between the provinces of New York and New Jersey. That the Said Commissioners and Surveyors thereupon did direct a Line to be run and mark'd from the Said North partition point, as near as their Judgment could direct them, to the Latitude of 41° on Hudson's River, which Line was in the Said year 1719 run and mark'd accordingly and the Surveyors of both provinces Mett at M^r Corbett's near Tapan, where they took many observations in order for Ascertainning the Latitude of 41° upon Hudson's River, and for discovering whether the Said Line So Run and mark'd as aforesaid, did in

any thing and in what differ from the True partition Line; but for what cause your petitioners Know not, the Same Latitude upon Hudson's River remains as yet unascertained, as does also the Streight Line of partition between the Said points of Latitude upon Hudson's River And Delaware River, if the Same Should be found in any thing to Vary from the Line run and mark'd as aforesaid.

That your petitioners and their Neighbours hold Lands in and about Minisinks Islands by Titles under this Province, and many of them have been possessed thereof under those Titles upwards of twenty years and some of them near forty years.

That there's So little probability that Minisinks Island can fall into the province of New York by the True Partition Line when Run, that your petitioners doubt not to prove that a Streight Line drawn from the Said partition point upon Delaware, to perth Amboy, will leave the Said Minisink Island to the Westward, and consequently that Perth Amboy and above one half of East New Jersey will be more in danger of falling into New York by the true partition Line when run, than the Said Minisink Island and Lands adjacent.

And your petitioners humbly Beg leave further to Show that Notwithstanding their and their Neighbours titles and long possession under the province of New Jersey and the Said unprobability of their falling into New York by the true partition Line when run, yet have they been frequently taxed as inhabitants of the County of Orange in the province of New York, and those Taxes levied by the officers of the Said County, many miles within this province with Such circumstances of cruelty and injustice as we believe are hardly to be parallell'd, of which your petitioners can give variety of Instances.

That Soloman Davis one of the Inhabitants of Lands

adjacent to Minisink Island, and one of his Majesties Justices of the peace for the County of Morris, was Indicted by the Grand Jury of the County of Orange for Acting as a Justice of the peace within their County, when in Truth the place where he Acted was, and is as your petitioners Conceive, Several miles within this province, upon which Indictment the Said Davis was fined forty pounds and to Keep himself out of prison was obliged to Give his Bond, and has since paid the Money.

That your petitioner Vanaken having the honour to be Named in his Majesties Commission of the peace for the County of Morris, Issued a warrant against Johannes Westbrook Jun^r and Peter Gomar for Breaking into a house in the Night: upon which they were taken & Bound over to Morris County Court: Soon after which, Coll: Vincent Mathews of Orange County, Came to Perth Amboy, and under pretence of Keeping the peace nigh the line of division Between this province and that of New York he entered into an Agreement with Joseph Warrell Esq^r Attorney Gen^l which was that those people at or near Minisink who are inclined to be under the Government of New Jersey Should Signify it, by Signing a paper prepared for that purpose: and those who inclined to be under the Government of New York Should also Signify it by Signing a paper, as above, and that no power Should be Exercised over any person but by the officers of the Government under which he had chose to be: Upon this Agreement M^r Warrell discharged the two persons Bound over as aforesaid. And your petitioners have been Informed, and Verily believe that the Agreement above Sett forth, was entered into by Coll Mathews with no other intention than to get the two men discharged that were Bound over as aforesaid: and not with any real intention to preserve the peace as was pretended: for your petitioner Vanaken,

for taking the Subscriptions in pursuance of the Said Agreement, was apprehended by the Deputy Sheriff of the County of Orange, at a place Several miles within this province, and was carried to prison at Goshen, where he Remained twenty four days. And your Said petitioner was lately Arrested in Morris County on a process out of Orange County Court for nineteen pounds at the Suit of Johannes Westbrook Jun^r and Carried to Goshen Goal, where he Remained a prisoner for Eight days, and then was obliged to Give Bail to the Action, and to Give a Note of hand to the Sheriff for thirty Shillings.

That Isaac Scovenoven one of the Constables of Morris County, and your petitioner Jurian Westphale, and Several others the Said Constables Assistants in Serving a warrant from your Petitioner Vanaken, are Severally Arrested in Morris County, on process Issuing out of Orange County County Court for nineteen pounds, at the Suit of Johannes Westbrook Jun^r who does not pretend to have any cause of Action against the Said Constable or his Assistants, but their having Executed the Said Warrant on him.

That Johannes Hoghtelen one other Constable of Morris County (for what reason your petitioners know not) had his horse Shott under him within Morris County, Sundry of his Goods taken from him, and himself Committed to prison at Goshen where he has been four weeks, and Still remains there in close confinement.

May it therefore please your Excellency and his Majesties Council to take the heavy Grievances under which your petitioners and their Neighbours do labour, as aforesaid into your Consideration, and to Afford them Such Relief as may put a Stop to the like Grievances for the future until such time as the partition Line between the Said provinces Shall be finally run and Ascertained; and that the said Line may be run

as Soon as possible in order that an end may be thereby put to the like Grievances afterwards, and your petitioners as in duty bound Shall every pray.

[October 1743]

ABRAHAM VANAKEN

his

JURIAM — WESTPHALE

mark.

Report of Chief Justice Robert Morris to the Board of Proprietors of East Jersey—concerning the Northern Boundary.

[From Papers of F. J. Paris in New Jersey Historical Society Library Vol. A. p. 137.]

MR. MORRIS Informed the Board that on the twenty fourth day of October he waited on Governor Clinton at New York, & delivered him a letter from Governor Morris, which inclosed a Copy of the Petition of Abraham Vanaken and Jurian Westphale to the Governor and Council of New Jersey, and copies of two Memorials from the Council of Proprietors of the Eastern Division of New Jersey¹ to Governor Morris concerning the Partition Line between New York and New Jersey. Upon Gov^r Clintons Reading the Letter and papers he said it was necessary the Line Should be run and Settled, & that Some Steps Should be taken to preserve the peace & till that could be done: Lieutenant Governor Clark, who was present, Said there would be no way of preserving the peace but by runing the Line. Governor Clinton then told Said Morris, that he would take the Matter into Consideration, and on Said Morris's return from

¹ The memorials are on pages 138 and 144. In an affidavit referring to these memorials, made by Chief Justice Morris in September, 1748, he draws attention to the fact that, one of them was not from the Council of Proprietors of East Jersey, but was composed of Committees from the two Councils of East and West Jersey.—ED.

New England, where he was then going, he would Lett him know more of his thoughts on the Subject.

Mr Morris farther informed the Board that on the 28th of october he Returned to New York from New England, and waited on Governor Clinton to know what Resolution he had taken Concerning the Line of Partition; who Informed him, that he had Consulted Chief Justice Delancey upon the head, and Desired Said Morris to Give a meeting to Mr Delancey on that affair.

On the 29th of october in the Morning the Said Morris spoke to Chief Justice Delancey, who desired a meeting that evening, and Said he would give Notice to Some of the people Concerned in Lands on that Line to attend, and desired Said Morris to give Notice to some others. Accordingly a Meeting was had that Evening at Todd's The persons present were, Chief Justice Delancey, M^r Lewis Morris Jun^r M^r William Smith, M^r John M^cEvers, M^r Robert Batsey, and the Said Morris.

The occasion of the meeting being opened, M^r M^cEvers Began, by Insisting that the Station points on Hudson's & Delaware Rivers had been fixed in the year 1686 by the Consent of Both Governments, but that the Line had never been run. That the people who held Lands under a Jersey Title to the Northward of those points were ordered to take out patents from New York, and that patents were Granted, not only to those who had Jersey titles but to others for all the Land to the Northward of those points So fixed on Delaware and Hudson's River, and had been possessed ever Since under those titles. Said Morris then observed, that it was incumbent on him to Show

- 1 who the persons were that had fixed those Stations.
2. what Authority they were Vested with for that purpose.
3. who gave them that Authority.

4. That the persons appointing them had power to Dispose of the Lands on each side of the Line.

5. That the persons So appointed and impowered Did fix and agree upon the Station points.

6. Where those Station points are, that were So fixed & agreed on.

In answer to these M^r M^rEvers produced and read a Letter from Governor Hamilton to Governor Fletcher, which is Said to be wrote at the Request of the Council of proprietors, and mentions the Station on Hudson's River to have been fixed by the Surveyors of both provinces, west from Phillipse's Lower Mills, he also produced and read part of the Act for Runing the Division Line between East and west Jersey, and insisted that the Course of that Line from Little Egg harbour was to be N. 14° : 20' W. which he said would run to the Station point in the North Branch of Delaware which Was laid down on a Map produced by him: But appeared to be the Westerly Branch of Delaware, which in that Map is Made a large River Runing North, and a Line is drawn from that Branch to Phillipse's Mills which falls to the Southward of the Minisink Island. Then Said Morris further informed the Board, that from the Little Knowledge he had of the Scituation of the Country Laid down in that Map, he Judged it to be a very unjust one, and imagined it made on purpose to deceive the persons Concerned in Lands on that Line, and to tempt Ignorant people to purchase Jersey Lands from New York patentees. The Said Morris then produced an original Indenture Executed by the Commissioners and Surveyors of Both provinces, pursuant to the Acts of Assembly of the respective provinces. By which Indenture it appears that the Commissioners and Surveyors agreed on which was the North Branch of Delaware and, fixed the Station point upon it. He also produced an Original Map made by Allan Jarratt, who was the

General Surveyor for the province of New York, and Assisted in fixing the Station point on Delaware, and was also one of the parties to the Indenture produced, this Map Contains great part of Jersey, part of the River Delaware, the Station point thereon, the Random Line, and part of Hudson's River: and insisted that the agreement mentioned in that Indenture, and the Station then fixed would certainly Stand Good unless they could show a fixing prior to that, done by persons having authority which he imagined they could not do. To this it was Answered; that the Commissioners on the part of New Jersey were all Concerned in interest, and those on the York part were ignorant of things of that Kind, that the Instrument was Bad; And many other arguments were used against that Settlement. M^r M^cEvers Grew very warm, and declared he had Sold the Lands down to what he looked upon to be the division Line, and had received the money, and never would agree to any other Line. M^r Smith Said there was great force in M^r M^cEvers's Arguments. The Chief Justice levelled all his Arguments against the Station point on Delaware: he being there most Concerned, At last M^r M^cEvers produced a Copy of the Jersey Boundaries; which furnished the Chief Justice with another Argument, by which he would confine the Jersey proprietors to the forks of Delaware, and from thence by a Strieght Line to the Latitude of 41° on Hudson's River. After this there was much talk to little purpose, when they agreed to Meet again, and Let the Council of proprietors know their Resolutions.

From the whole of M^r M^cEvers's Conduct at that Meeting, Said Morris could not but conclude that he was against runing the Line at all.

From John Hamilton to the Lords of Trade—acknowledging letter of Secretary Gellibrand of August 23d, 1743.

[From P. R. O. B. T. New Jersey Vol 5, F 56.]

Letter from M^r Hamilton, Eldest Councillor in New Jersey, acknowledging the Receipt of a Letter, by the Board's Order, dated y^e 23rd of August.

Amboy y^e 15th of May, 1744

My Lords.

I have the honor of a Letter by Your Lordships directions from M^r Gellibrand the 23^d of Aug^t last in Answer to My Letter of the 9th of June 1743 and return Your Lordships the Most Sincere and hearty thanks for Your goodness and Justice in giving so favourable An Answer.

M^r Morris held An Assembly here last Winter and tho we Saw One Another Every day Yet had no discourse On that Subject nor has he Since (as I can learn) given Any directions about bringing the tryall On So that I hope I shall trouble Your Lordships no farther upon this head

I am with the greatest Duty My Lords Your Lordships Most Obedient and Most humble Servant

JOHN HAMILTON

R^t Hon^{ble} Lords Com^{rs} for Trade & plantations.

Particulars of the Excommunication of a Chief Justice in Pennsylvania.

[From P. R. O. America & West Indies, Vol. XIII, p. 87.]

POSTSCRIPT

To the
New-York Weekly Post-Boy.¹

To the Printer of the New-York Weekly Post-Boy.

About the Middle of October last, I carried the inclos'd Paper to one of the Printers at Philadelphia, who at my Request, promis'd to give it a Place in his News-paper, within a Week or two at the farthest. After it had lain with him a considerable While, I wrote to him I was inform'd he had declin'd printing it: In Answer to this, he tells me, I was misinform'd, for that he had not declin'd printing it, but only post-pon'd it for prudential Considerations. On this Delay, a Friend of mine in Town applied to another Printer of a Weekly Paper, and he undertook to insert it in his next; but he also declin'd it; and now no Printer in Philadelphia can be prevailed on to print it,—for prudential Considerations I don't doubt! As this extream Caution of the Printers is very unusual, I expect that the Religious Party, who are principally concern'd in the Consequences, have interested themselves in the Suppression of it. And I am the more confirm'd in this Opinion from their frequent Attempts of being witty on its not being printed. As the Publication of it is intended to expose Church Insolence and Religious Tyranny, and it is presumed your Situation

¹ Forwarded by Gov. Morris under date of 10th June.—See Papers of Lewis Morris, page 192, for some account of the circumstances.—ED.

exempts you from all Danger of the Practices of these People; your inserting this and the inclos'd in your next Post-Boy, will be acknowledged by Yours,

SAMUEL CHEW.

There is not any Thing more generally professed amongst Protestants, than Charity and Toleration. New Sects, so long as they stand in Need of Toleration, never fail to preach it up, and are able clearly to prove, that Matters of Judgment and Opinion not being under the Power and Direction of the Will, ought to be left free and unmolested to all Men: But once established and confirm'd, we too often find, that those very People who have contended for Liberty of Conscience and universal Toleration, soon become more clear-sighted, and plainly discover the Necessity of Uniformity in Matters of Religion, arrogate to themselves a Right to prescribe to others, and even assume a Power of Exclusion from God's Mercy, those who differ from them in Opinion. Instances from diverse Protestant Persuasions might be brought to evince the Truth of what is here asserted; but I know none more remarkable and surprizing, than that of the People called Quakers: It is well known, that they were at their first Appearance, an humble, patient, self-denying People; that they preached up Charity, Forbearance, and Brotherly Love; commended all Men to a certain inward Principle or divine Teacher, placed in their Breasts, to be the Sole Guide and Director in Matters of Faith and Religion: They not only disclaimed and zealously condemned all kind of Force and Coertion upon the Consciences of others: but bore Persecution themselves with an astonishing Firmness. This Spirit of Peace and Charity they maintain'd as long as they had Occasion for it, that is, so long as

they were oppressed and persecuted: But having once got a little firmer Standing, and some Reputation in the World, upon the score of their moral Conduct and inoffensive Behaviour, they began to display themselves, and not only exact from those of their own Community a strict Conformity to Rules and Discipline, but setting themselves above that Light which they had recommended to all Men as the only Guide, they set up such Right to judge others for Matters of Opinion, as was by no Means reconcileable to that Principle of Religious Liberty upon which they first set out: Hence Papers of Condemnation and negative Punishments came into Use amongst them: These indeed were at first introduced against Misbehaviour, and as Censures for an Immoral Conduct, which was so far right and commendable; but in process of Time, having grown rich and powerful, and forgetting that they were once a poor despised Remnant, the despis'd People of God, and the People in Scorn called Quakers, they extend their Jurisdiction, and Carry their Claim so high, as for Differences even concerning speculative Matters, to exclude Persons from their Society, with hard Names, and other Marks of Bitterness, worthy the Pope himself. This I believe, however, has been carried higher in the Province of Pennsylvania, and its Territories, than in any other Parts of the King's Dominions; but for no other Reason that I can guess, than that they are there admitted to more Rule and Power in the State, than they generally enjoy in other Places. Was I to stop here, I should doubtless be taxed with great Injustice, and a Clamour would be rais'd against me, for asserting what I was not able to prove: To evince therefore, the Truth of what I have alledg'd, I shall here insert a Copy of one of their Bulls of Excommunication. But for the Information of the Reader it will be proper to preface it with a short Account of the Matter that occasioned it. The Gov-

ernor had recommended to the Assembly of Pennsylvania, consisting chiefly of Quakers, the putting the Province into a Posture of Defence, upon account of our War with Spain: The Assembly, to justify their Refusal to comply with the Governor's Proposal, assert the Unlawfulness of War to Christians in general, and enter into a long Dispute with him about it. The Assembly of the Lower Counties however, where the Quakers were the Minority, did at the Instance of the Governor, pass a Militia Law, and therein, besides the Directions for disciplining the People, made Provision for Arms, Ammunition, Colours, Drums, &c. The Quakers us'd great Endeavours to defeat the End of this Law, by prepossessing and prejudicing the People against it, and raising a false Clamour, that it was contrary to their Charter of Privileges, &c. The Chief Justice of the Lower Counties, tho' a Quaker, happen'd to differ in Opinion, with the Generality of his Brethren, concerning the Lawfulness of Defence: and apprehending it necessary, for his Majesty's Service and the good of his Country, that some Mistakes concerning the Lawfulness of Arms shou'd be removed, thought it his Duty to enter into the Controversy, and took an Occasion of doing it in a Speech deliver'd from the Bench to a Grand Jury. This Speech was immediately printed at the Request of the Jury: The Quakers took great Offence at it, but never vouchsafed to answer it, but had the Presumption, however, to call the Magistrate to a severe Account for this part of his Behaviour in the King's Court, and in the Discharge of his Duty: and because he could not alter his Opinion, or, contrary to his Judgment, basely prevaricate, and condemn what he had done, they erect themselves into God's Vice-gerents, and in order to intimidate other Magistrates, not only exclude him their Society, but, in Effect, pronounce him to be out of God's Mercy, to want Humility, or in other Words, to

be in a State of Damnation. But take the precious Memorial in their own Words.

“Whereas Samuel Chew of Kent County, on Delaware, was educated amongst us the People called Quakers, and has owned himself in a Public Manner to be a Member of our Religious Society; yet notwithstanding he has appeared in print, contrary to the good Order established amongst us, for preserving of Unity in our Society, as also contrary to our profess’d Principles and practices, in relation to Military Performances; which may be seen in a printed Book, called, The Speech of Samuel Chew, Esq; dated November 21. 1741. These Things appearing in publick View, we thought it our Duty to treat with him in a friendly Manner, in order to bring him to a Sense of his Error; but could not prevail with him to retract any Thing of what he had done; Therefore as we cannot own the Work, we think it needful to disown the Author, and do hereby declare, that the said Samuel Chew is no Member of our Religious Society, until he find Mercy with God. and walk in Humility before him, and his Practices better correspond with our Principles; which that he may, is our sincere Desire. From our Monthly Meeting of Duck-Creek, held at Little Creek the 18th Day of the 8th Month. 1742. Signed in and by Order of our said Meeting, by

WILLIAM HAMANS,
Clerk.

*Speeches of Governor Morris to the General Assembly,
with the Assembly's Address, etc.*

[From P. R. O. B. T., New Jersey, Vol. V, F 70.]

The Speeches of Gov^r Morris to the Assembly of New Jersey at Burlington, y^e 22^d [23?] June 1744, with their Address & Message to him; and some Observations from the Votes of the s^d Assembly. Rec^d May y^e 28th 1745

Saturday, June 23, 1744.

His Excellency came to Council, and having commanded the Attendance of the House of Assembly, opened the Sessions with the following Speech.

Gentlemen of the Council and Assembly.

The Accounts we have had for some time past from Europe, give us Reason to believe that a War with France was to be expected; for which Reason I made short Prorogations of the Assembly of this Province, that I might soon meet them after receiving certain and authoritative Information that War was declared, which I have not long since received; and his Majesty's Declaration of War is made publick, and consequently the Necessity known, of putting this Province into as good a posture of Defence as we can, to prevent any Damage from any Attempts the Enemy may make, either by Sea or Land, and to enable us to give all the Assistance in our Power to our neighbouring Provinces, should they stand in need of it, and I am commanded to give upon any such Occasion.

I have more than once recommended the Passing a Law for the better Regulating of our Militia, which I

believe you are not ignorant is not in so good Order as probably it might have been, had the Laws been more strict; or, even loose as they were, had the Officers done their Duty in making Distresses where they were by Law required.

I have received a Petition from the Lieutenant and other Officers about Trenton, against their Captain for his Neglect in that Particular, which the Captain has confess'd; and owns to me, that these Distresses would have amounted to about One Hundred Pounds: But urged in his Excuse for the Breach of his Duty, his being compassionate.

The Money Arising by these Distresses I think) is to be applied for the Use of the Poor (tho in my Opinion not the most proper Application) and had they been levied, the Poor, at least, would have had some Benefit by it; and probably the Persons neglecting their Duty more cautious of offending for the future, and consequently better skill'd in the Performance of what the Law appointed their Meeting for, and the Distresses for neglecting what was thereby directed: But seems not intended to give a discretionary Power to the Officer of making Distresses or not, thereby evading the whole Intent of the Act, and exposing those ready and Willing to do their Duty, to the Scorn and Derision of those who must, if at all, (under God) be protected and supported by their doing so.

I suppose the like Compassion (or something worse) hath prevail'd in the Counties of Burlington and Gloucester; for I have not heard of any Militia Companies meeting in either of those Counties; and have Reason to believe, that men tolerably qualified to execute Military Offices, are prevail'd on to decline accepting of them; or when accepting, to neglect performing the Duty of them.

Things of this Nature should not be in this Condition, because dangerous to the Publick Safety, and

especially in this Time of War, with an Enemy who is too well inform'd of the Circumstances we are in; and (if we do not take some effectual Methods to alter them) wants neither Knowledge nor Inclination to make use of them to our Disadvantage.

I have more than once spoke to you on this Head, and the last Time we met I laid before you a Letter from the then Lords of the Regency, "Directing me "to employ the most effectual means for putting this "Colony into the best Posture of Defence that should "be possible, and to be constantly upon my Guard "against any Surprize from any Quarter whatsoever." And a Second wherein they further direct me, "To "put the Forces belonging to this Province into such "a Condition, as to be able not only to repel the "French Forces, if they should attack this Province, "but likewise to be in a Condition, if it should become "necessary, to attack them." What Effect these Letters had on your Consultations you only can tell.

In what Condition we are at present to do either, is not unknown to most here; but that we Should be in as good a Posture of Defence, on this Occasion, as we can be, I suppose will not be denied by any Friend to the present Government. I therefore heartily recommend to you the Passing Such Laws as will render our Militia useful and effectual for our Defence, and that as soon as possible: because we know not when nor where we shall be attacked; tho' we are not ignorant where it is not unlikely we may: And whether some Fortifications be not needful, I refer to your Consideration.

There will be Occasions of Watches in more places than one, and probably of often Expresses; and if it should be needful to march or transport Forces either for our own Defence, or in Pursuit of an Enemy, or for the Assistance of our Neighbours, Care should be taken for Provisions, and Transports for them at the

publick Charge: And there will be a Necessity of often Meeting the Council, which should not be made a Burthen to them.

I should rather this Meeting had been at a Season of the Year when your Attendance on your private Affairs could have been more easily dispens'd with, would the Circumstances of Things have admitted it. But since Things of this kind have been formerly postponed, and will at present admit of no Delay, I recommend the utmost prudent Dispatch to you, that the Season of the Year may prove as little inconvenient to you as possible. And I pray God direct your Consultations.

LEWIS MORRIS.

Wednesday, June 27, 1744.

The House of Assembly, in Answer to the above Speech presented the following Address to His Excellency.

To his Excellency Lewis Morris, Esq; Captain General and Governor in Chief in and over His Majesty's Province of New Jersey, and Territories thereon depending, in America, and Vice Admiral in the same, &c.

The Humble Address of the General Assembly of the Colony of New Jersey, in General Assembly Convened.

May it please your Excellency.

We his Majesty's dutiful and loyal Subjects the Representatives of the Colony of New Jersey, beg leave to thank your Excellency for the Care you have taken to so order the Prorogations of the General Assembly, as that upon any Emergency their Meeting

might be sudden and answer the Purposes you are pleased to mention.

Upon your Excellency's Recommendation to the Passing a Law for regulating our Militia. we have carefully and deliberately considered the Act, entitled, An Act for the Settling the Militia of the Province of New Jersey, in all its Parts, and we are humbly of the Opinion, that as it now stands, it not only sufficiently provides for the settling of a Militia and watches in this Colony, but also enables your Excellency to give what Assistance the Circumstances of this Colony will Admit of, to any of our neighbouring Colonies that may want it.

The executive Part of the Law we humbly conceive to be lodg'd in your Excellency: And those Military Officers whom you have or shall appoint, that neglect their Duty, are accountable to you, with whom the Powers requisite to superintend them are invested.

Had your Excellency pointed out who they are in the Counties of Burlington and Gloucester, that take upon them to prevail with men tolerably qualified for military Offices, not to accept of them, or when accepted, to neglect performing their Duty, we should not have been wanting to join in the Examination of their Conduct; but as no such Information hath been brought to us, their Cases seems not to be our immediate Business.

As heretofore the loyal Assemblies of New Jersey have cheerfully granted Assistance to the utmost of their Ability upon any Emergencies. So your Excellency may be assured, they will always readily do their Duty in providing for the necessary Expences that may be occasioned by summoning the Forces together according to Law, for repelling any Force that may invade us at Home, or for the Assistance of our Neighbours, or indeed upon any necessary Occasion whatsoever.

What further remains to be considered on these Heads, we hope your Excellency will permit us to consult our Constituents upon. It is now Harvest Time, and many of the Members being from Home, is very Disadvantageous to them. A Recess till the usual Time for doing Business, we humbly conceive cannot be prejudicial to the Publick: Nor any Business that could now hastily be done, so well answer the good Ends your Excellency has in View.

It is both our Duty and Interest to provide for the Safety of this Colony, by putting it into the best Posture of Defence we are capable of doing. This in the Time of our Recess, will become the Subject of our Consideration; and at our next Meeting, if we can think of any thing that will be further serviceable to the Colony, we shall then take it into our most serious Consideration, and make Provision accordingly.

Several of the Members
being of the People called
Quakers do agree to the
Matter and Substance of
the above Address, with
the usual Exception to the
Stile.

By Order of the House,

A. JOHNSTON, Speaker.

Friday, June 29.

His Excellency made the following Speech to the Assembly.

M^r Speaker, and Gentlemen of the Assembly;

When I Spoke to you last from this Place, I gave some Instances which I conceived shew'd plainly enough some of the Deficiencies in the Militia Act. The first was of one of the Captains who had not made any of the Distresses appointed by that Act to be made

upon the Persons not complying with the Directions of it; and which by his Confession of the Thing, and owning the Value of what he believ'd the Distresses would have amounted to, shew'd the Instance given to be true; and consequently that such a Number of Men, whose Defaults would have amounted to so large a Sum as One hundred pounds. had not been trained, as by that Act was directed they should have been; and therefore, probably, not so knowing in the Performance of what the Law appointed them to be trained for, nor so useful as they might have been, had the Law been more strictly put in Execution.

I mentioned to you, that all the Excuse he made for the Neglect of his Duty (or what I conceive to be so) was his Compassion: But that the Law seemed not to intend to give a discretionary Power to the Officer to make Distresses or not, thereby evading the whole Intent of the Act.

I am still of the same Opinion; because the Law not only impowers the Captain or Commanding Officer to make out Warrants of Distress, to distrain upon the Goods and Chattles of the Persons neglecting, but requires him to do it, So that the making such Distresses is his Duty to do, and the Neglect of it a Breach or Neglect of that Duty that the Law requires of him; and by that Means eludes and evades the main, if not the whole Intent of it. But there is not in that Act (that I can find) any Punishment appointed for that Offence, which I take to be one great Defect of that Law, and tends to render the whole in a great measure useless.

I did suppose (and I think with Reason) that such Compassion (or something worse) had prevail'd in the Counties of Burlington and Gloucester, for that I had not heard of any Militia Company's meeting in either of those Counties; and had Reason to believe that Men tolerably qualified to execute Military Offices, were

prevail'd on to decline accepting of them, or when accepting, to neglect the performance of the Duty of them.

That Officers have accepted of military Commissions, and others have declin'd accepting of them in those Counties and elsewhere, is well enough known to me; That there has not been any meeting of Militia Companies since I came to the Government, in either of these Counties, I have been inform'd, and I believe you or the Members of those Counties know it to be true, that there has been no such Meeting; and consequently that those accepting of them, have been prevail'd upon to decline the Execution of them, and others to decline accepting them is manifest: But whether prevail'd on by the Persuasion of Men, or by what other Motive I could not, nor did not say. But prevail'd on they were, if no such Companies met. I laid this as a Fact before the Gentlemen of the Council and your Honourable House, that proper Provisions might be made to prevent the like for the future; it not being very material or much worth your Enquiry whether any Body persuaded them or not, if the true End of the Militia Act be answered, and which I am willing to hope you will give all the Help in your Power to do.

There is a Provision in the Militia Act, that if any Person appointed by the Captain, to be a Serjeant or Corporal, shall refuse the Office, he shall forfeit the Sum of Twenty Shillings. But there is no Provision made in case of the Refusal of a Captain, Colonel, Lieutenant Colonel, Major, &c. which are each as necessary as a Serjeant or Corporal; and which (as things are circumstanced) People are not easily prevailed upon to accept.

The Quantity of Powder and Lead appointed to be had on Appearance, and the Quantity appointed for each Man to keep by him, seems to me to be too small:

And the Application of the Fines to be raised for the Neglect of Appearance to the Poor, seems not to be so proper and useful an Application, as if they were applied to some Military Purpose.

The Fines also for not appearing or not having Fuzees, &c. seem to me too small to answer the Purpose intended by them.

There is a Clause in this Act, in which it is said, That it shall and may be lawful for the Captain General, &c. for the Time being, in Case of Invasion, to call all, or so many of the Persons together for repelling the Force of an Enemy, or order such Detachments for the common Defence, as he shall think fit, to follow and pursue the Enemy into any of the neighbouring Governments, &c.

You may think, and perhaps do, that this Clause enables the Governor to defend the Inhabitants, to pursue an Enemy into a neighbouring Province, or to assist them upon Occasion; but if you do, you are (pardon the Expression) much mistaken.

The King's Letters Patent under the great Seal, gave to the Governor who passed that Act, the Power of calling the Forces of this Province together, at such Times and Places as he judg'd proper in Case of Invasion, Insurrection or Rebellion, (not mentioned in our Act) and to march them against an Enemy, and pursue them out of this Province into any of the neighbouring Provinces, and to give them Aid in any such Case if they needed it: And the Act of Assembly is only Declarative of the Power lodged in him, by Virtue of the Letters Patent, antecedent to the making of that Act. And the Governors of this Province could, and can do all this, tho' no such Clause had ever been made. So that the Governor has no Addition of Power by Virtue of this Act; and the utmost Force of it, is only to train the Men, and teach them the use of Arms if they had them: And were it

effectual for that Purpose (as I think it is not) it would be at best but a good Preparation to make them fit to encounter an Enemy and pursue them: But unless subsisted with Provision and supported, cannot long resist an Enemy or pursue; Cannot be marched from one Place to another in our own Province, nor transported to assist a neighbouring one. And no provision being made for this in the Militia Act, is the grand Deficiency of it; and without such Provision, the Act (except what it directs concerning the training of the men) is not worth a Rush; the Captain General having Power sufficient (as I said before) to do every Thing which that Act says, it shall be lawful for him to do, if that Act had no being.

The Militia, or what we call the Militia, in this Country, is not a select Part of the People as it is in England, set apart for that Purpose, and under Officers ready to be made Use of on Occasion, and when there is need for them, employed and payed at the Publick Charge; but the whole Body of the People from Sixteen Years of Age to Fifty. It is fit that all these People should be trained and taught the Use of Arms, and it is chiefly for this that the Militia Act is intended. Part of these People that are nigh to the Place where an Enemy makes an Attempt, may be got together and make some Defence, but it will be found very difficult, if practicable, to keep them together, if some Provision be not made for their Subsistence and Support.

It is the Duty of every Man to resist an Invasion, and consequently every one ought to share in the Expence that it occasions, and not to let it fall solely on those who are employed to venture their Lives in making the necessary Resistance. Such Numbers of those as it will be necessary to employ on these Occasions, and to march from Place to Place in our own Government, or to be transported in Aid of another

will naturally think, that they ought not, nor cannot leave their Families and several Farms or Occupations, by which they are supported, to serve the Publick without being paid for it by the Publick, any more than you can leave yours to attend the Services you are chosen for, without being paid for it. This is the Practice of all Countries in some Method or other, and the Practice of our Mother Country, as you may see, by the several Militia Acts, the 13th, 14th, 15th of Charles II. the 1st of George, and indeed during the Reigns of King William III. Queen Anne and King George, Acts were annually made for raising the Militia: Which Militia are always to be employed as there is Occasion, and such as are employed to be paid in the Manner directed.

The making some Provision of this kind is necessary at this Time, and that without making any unnecessary Delays. The doing what we can do in this Case is much more likely to prove effectual for the Defence of our Country, if there should be any Attempt made upon it, than the Meeting three or four Times a Year to hear a Drum rattle or see some Colours waved, and it may be getting drunk into the Bargain, can do; tho' such Meetings are not without their proper Use, to render Men more fit than otherwise they would be to defend their Country; but without something more will never defend it.

Gentlemen, I need not repeat what I so lately said both to the Council and yourselves. Our Accounts of the Attempts of the Enemy upon our Neighbours with so great a Force as five Thousand Men, makes it reasonable to think they have further Views, and ought to warn us to prepare as much as we can for our Defence without any Delay: and therefore I must earnestly intreat you to set heartily about it, and to shew by your Deeds that you have the Interest and safety of the Coun-

try at Heart, and are truly His Majesty's loyal and Affectionate Subjects, which I doubt not you will gladly embrace all Opportunities of doing.

LEWIS MORRIS.

Tuesday, July 3, 1744

The House of Assembly, in Answer to the above Speech, sent the following Message to His Excellency.

Ordered,

That M^r Eaton, and M^r Cook do wait on His Excellency and acquaint him, That this House being willing to pay the Regard due to what was recommended to them by his Excellency, committed his Speech of the 29th of last Month to a Committee of the whole House, where it was maturely consider'd, and found in Substance to differ but little from what the House before understood to be the Import of his Excellency's first Speech on which they then came to sundry Resolutions, and communicated them to his Excellency in their Address wherein they assure his Excellency That they will always readily do their Duty in providing for the necessary Expences that may be occasioned by summoning the Forces together according to Law, for repelling any Force that may invade us at Home, or for the Assistance of our Neighbours, or indeed upon any necessary Occasion whatsoever.

That the Expence that will attend Things of that Nature, are so uncertain, and the providing for it before hand, attended with such innumerable Difficulties that they humbly conceive the Assurances given are sufficient at present, and that on the whole, they see no Cause to alter their Sentiments from what they then were on those Heads.

That as to the Attempts of the Enemy upon our Neighbours, it is now near a Week since that Report came to Town, and no Express yet arriv'd to his Excellency to confirm it, that the House has heard of, they therefore hope it may prove groundless.

That altho' the House are under the Misfortune of differing in Sentiments from his Excellency respecting the Act of Assembly for settling the Militia that hath been many Years in force in this Colony, they nevertheless hope to shew by their Deeds on every Occasion, That they have the Interest and Safety of the Country at Heart, and are truly His Majesty's loyal and affectionate Subjects.

And that the House humbly prays his Excellency to grant them a Recess till the usual Time of doing business.

Thereafter his Excellency dissolved the Assembly with the following Speech.

Mr. Speaker and Gentlemen of the Assembly,

I Endeavour'd to shew you when I last spoke to you, that it was necessary to make some Provision for the Defence of the Country, in Case we should be attacked, as we might be. I represented the Case of our Neighbours, who had been attacked. This tho' I have received no Account of is by Express, and perhaps never may, (this Government being too remote to give any Assistance to Newfoundland, Nova Scotia, or South Carolina.) Yet by undoubted Accounts the Thing appears too true. The Council, sensible of the Danger, prepar'd a Bill which they pass'd and sent to your House, which, contrary to the Duty of your Station and of evident ill Consequence to the Publick, you have order'd to lie on your Table, and by your last Message you flatly tell me [That the Expences that

will attend Things of that Nature, are so uncertain, and the providing for it before Hand, attended with such innumerable Difficulties, that you humbly conceive the Assurances given are sufficient at present; and that on the whole you see no Cause to Alter your Sentiments from what they then were on these Heads] which is peremptorily saying (whatever your Promises be) that you will make no Provisions at all for the Defence of the Country before they are invaded. This is so far from shewing any Loyalty to your Sovereign that it shows the contrary, as well as a firm Resolution not to make any Provision for Defence, and a want of Affection for your Fellow Subjects. I therefore by Virtue of the Powers and Authorities to me given under the great Seal of Great Britain, do dissolve this Assembly, and you are accordingly dissolved.

LEWIS MORRIS

AN ABSTRACT of the Bill, entitled, An Act for Settling and better Regulating of the Militia of the Province of New-Jersey, and for making Provision in Cases of Insurrection, Rebellion, or Invasion; pass'd by the Council in June 1744; and sent by the Council to the House of Representative, for their Concurrence; who upon a second Reading of the said Bill, would not commit it, but ordered it to lie on the Table,

1. The Preamble to the Bill, sets forth, that a due Regulation of the Militia, and making Provision in Cases of Insurrection, Rebellion, or Invasion is absolutely necessary for the Security, Preservation, and Defence of this Province at this Time, when his Majesty is engaged in a most just War with France and Spain.

2. That the Acts now in force do not sufficiently provide for the same.

3. That therefore for the better Security of the Religion, Lives, Liberties, and Properties, of his Majesty's Subjects. Inhabitants of this Province, it was by the Council proposed to be enacted in this Bill, as follows, viz.

1. That after the Publication of this Act, every Captain should make a true and perfect List of all the Men within the District or Division of which he is Captain, between the Age of Seventeen and Sixty, which he shall give to the Colonel, or Chief Officer of the Militia in that County or Regiment to which he belongs, on or before the first Day of September next, and so on the first Monday in September Yearly, during the Continuance of this Act.

2. That the Captain General or Commander in Chief may order one or two Troops of Horse (as he shall think it necessary) consisting of 50 Men each, besides Officers; to be rais'd in each County, in Manner following, viz. upon an Order from the Governor or Commander in Chief to the Colonel or Chief Officer of the Militia in each County, he shall call together all the Officers under his Command, as low as a Captain (who are commanded to give him the best Information they can for that Purpose) and shall make a Draught out of the several Militia Companies in the County, of such a Number as are able to furnish themselves with Horse and Troopers Accoutrements (afterwards mentioned) as may make up one or two Troops of the Number aforesaid; and a List of the Men so draughted, shall be delivered to Persons appointed to command the Troop or Troops: And in Case of Deficiency by Death or otherwise, the Colonel or Commanding Officer, assisted as before, to make new Draughts to make up the Deficiency.

3. Every Person of a Foot Company shall be armed with a good musket or Fusee, well fixed, and a Bayonet fitted to it, a cutting Sword or Cutlace, a Cartouch

Box, or Powder Horn, with 6 Charges of Powder, and 6 sizeable Bullets at least, and shall appear at the Time and place of Muster so armed; and shall keep at his Place of Abode, besides what is above mentioned, one Pound of Powder, and four Pounds of Bullets, and shall bring them into the Field if required. Each Horseman shall be provided with a good Horse, Saddle, Breast Plate, Crupper, Kirb Bridle, Holsters, a Case of Pistols, Cutting Sword or Cutlass, and double Cartouch Box, and six Charges of Powder and Ball, and shall constantly appear so armed at mustering Time and Place. And shall keep at the Place of his Abode, besides the Arms abovementioned, a well fix'd Carbine, with Bolt, Swivel, and Sling, one Pound of Powder, and four Pounds of Bullets; and bring them into the Field when required.

3. That the Colonel or Commanding Officer, in each County, shall muster and exercise all the Companies under his Command, at least once a Year, and oftner if required by order of the Captain General.

4. That every Captain shall exercise his Men four Times a Year, viz. the second Monday in August and November, and the last Monday in February and May, and at such other Times as shall be ordered by the Captain General; and the Captains to give strict Charge to their men not to fire any Small Arms or consume any Ammunition unless order'd to the contrary by the Superior Officer.

5. Soldiers during the Time of Exercise, subjected to the Command of their Officers, and on Disobedience, punishable by Martial Law, but not to extend to Life or Member.

6. That any Person appointed by the Captain General to be an Officer in any Regiment, Troop or Company who shall refuse to serve, shall forfeit, viz. a Colonel Ten Pounds a Lieutenant Colonel Eight Pounds, major Six Pounds, Captain Five Pounds,

Lieutenant Three Pounds, Ensign, Cornet Adjutant Two Pounds, and a Serjeant or Corporal appointed by the Captain Twenty Shillings. Every Captain failing to appear, or appearing, neglecting to exercise his Company, shall forfeit, viz. a Captain Fifteen Shillings, a Lieutenant, Cornet or Ensign Ten Shillings, every Soldier Five Shillings: Or appearing without the Arms, &c. directed, shall forfeit, viz. for want of a Musket or Fuse Two Shillings, if not well fixed, One Shilling, Sword or Bayonet, One Shilling, Six Charges of Powder and six Bullets, One Shilling. Every Person draughted as aforesaid for a Trooper, neglecting to appear at the Meeting of the Troop, to forfeit Ten Shillings: appearing without a good Horse, Five Shillings, not having a good Saddle, Breast Plate, Crupper, Kirb Bridle, and Holsters, or any of them. Three Shillings, a Case of Pistols, Three Shillings, not having any of the other Articles required Two Shillings, and not provided with the Arms and Ammunition directed, at the Place of his Abode, Six Shillings. That the Fines and Forfeitures impos'd upon any Person under the Degree of a Commission Officer, be paid to the Captains, and by them apply'd to the purchasing of Drums, Colours, Halberts, and other Arms and Ammunition for the Use of the Companies: and if not paid, the Captain to make out his Warrants to one of his Serjeants or Corporals to distrain; which Distresses shall be made but once in a Year: for all the forfeitures within that Year: and the goods distrained, sold at Vendue; and out of the money arising by such Sale, to pay the Forfeitures, and return the Overplus (if any) to the Owners, deducting One Shilling for his Trouble; and if no Goods to be found, one of the Field Officers may commit the Defaulter to the common Goal till he shall pay the Fine.

8. That each Captain be required and commanded to send a Serjeant once a Year to the several Places of

Abode of those of his Troop or Company, to examine whether they have the Arms and Ammunition directed: And if any of them refuse, or neglect to shew them to the Serjeant, upon the Serjeant's Oath thereof, or of his not having the Arms, &c. he shall pay the Fine directed; and on Refusal, the Captain to proceed in the Manner before directed.

9. That each Captain shall keep an exact account of all Fines received by him, and how he has dispos'd of the same, and deliver such Account so kept, under His Hand to the commanding Officer of the Regiment to which he belongs; and shall take into his Charge and Care, all the Arms, &c. as shall be purchased by the Fines arising from his Company, and keep them in good Order and fit for Service; for which he is to have reasonable Satisfaction allowed by the Colonel or Superior Officers, to be deducted out of the Fines; and the Captain, his Executors, &c. accountable for such Arms to such Persons as shall succeed him in the Command; and any Captain refusing or neglecting to apply the Fines by him receiv'd, shall forfeit double the Sum of the Fines receiv'd, and not apply'd as aforesaid.

10. That the Captain may deliver out such Arms, &c. at the time of Training, as are in his Charge, to such of his Company as he shall judge unable to purchase them; who shall when Training is over, return them, the Captain making Allowance for the Ammunition spent at that time: And if the Person to whom such Arms &c. out of the Stores are delivered, shall detain or embezzel them, he shall be committed to Goal until he make Satisfaction.

11. To prevent any wilful and obstinate Defaulter escaping the Fine or Penalty directed, all Captains are to take an exact Account in Writing of every Default or Offence in his Troop or Company, by whom done, and at what Time; to sign and deliver the same to the

Commanding Officer of the Regiment, the first Monday in September yearly, on Penalty of Forty Shillings for every such Neglect; or having delivered them, shall neglect by the Space of two Calendar Months to recover the Fines, the Captain that shall neglect, shall forfeit double the Sum of the Fines neglected to be recovered; to be paid to the Colonel of the Regiment, and apply'd as before directed.

12. And because Defaulters may have a just Excuse for not complying, if the Colonel shall judge the Excuse reasonable, he shall order the Captain not to take the Fine.

13. Every Captain may make one of his Company Clerk; who shall be excus'd from carrying of Arms, except in Cases of Rebellion or Invasion.

14. Every Commission Officer of the Militia shall, before he acts, take the Oaths appointed by an Act, entitled, An Act for securing his Majesty's Government of New-Jersey.

15. No Innholder or other Person shall sell drink to any Soldier, on the Day he is to appear in Arms, at the Place of his Training, or within a Mile of it, without a Licence from the Commanding Officer, expressing what Liquor he permits to be sold, on the Penalty of Three Pounds; and a Soldier appearing drunk under Arms, that Day, shall pay Five Shillings.

16. No Officer or Soldier directed to appear and muster, or that shall be appointed to watch, shall be liable to be taken by any Officer in any civil Action whatsoever, on the Day he is directed to appear or watch, or in going to, continuing at, or returning home from the Place or Places appointed for Muster or Watch.

17. All Persons not Officers, in and of the Government, appearing at the Time and Place of Training, shall be subject to the Commanding Officer then present.

18. That the Fines on Persons refusing to serve in Military Offices, and on Officers neglecting to do their Duty, shall be paid to the Colonel, or chief Officer of the Regiment to which they belong; who, on their Refusal to pay, shall issue his Warrant to such Officer as he shall appoint, not under the Degree of a Lieutenant, to levy the Fines due, by Distress and Sale of Goods as before directed; and all Fines so levied by the Colonels, &c. shall by them be apply'd to the purchasing of Arms, &c. for the Use of the Regiment, &c. and the Colonel or chief-commanding Officer, for his Purchasing and Keeping the Arms in order, shall deduct so much for his Trouble, as shall be tho't reasonable by the rest of the Field Officers of the Regiment.

19. That the Horse and Furniture, Arms and Ammunition, provided and kept in Pursuance of the Act, be free and exempt from being impress'd, and from being seized by any Distress, Attachment, or Writ of Execution; which if made and serv'd upon any of the Premises, shall be so far unlawful and void: and the Officer or Person that presumes to make, or serve the same, be liable to the Suit of the Party griev'd; wherein double damages shall be given upon Recovery.

20. That it shall be lawful for the Captain-General, &c. in Case of Invasion, or Insurrection, or Rebellion, to call all or so many of the Regiments, Troops, or Companies together for repelling or suppressing such Invasion or Insurrection; and to order such Detachments for the common Defence as he shall think fit; and in Case of need to march them into the neighbouring Governments; and any Soldier summoned, who shall fail to appear, shall pay Forty Shillings.

21. That when the Captain-General or Commander in Chief shall direct any Watch to be kept in time of war or Danger, the Colonel or other chief Officer to whom such Directions are signified, shall issue his

Orders^d to the Captains to appoint such Number of Men to appear with their Arms at such Time and Place as the Colonel shall appoint; which Watch shall be reliev'd by Order of the Captain, &c. equally through all the Companies in the Regiment: And every Person refusing to appear, or to send a Man sufficient in his Room, shall forfeit and pay the Sum of Ten Shillings; and every Person that shall leave the said Watch before reliev'd by some Person appointed to watch, shall forfeit Forty Shillings; provided no Person be oblig'd to continue longer on the Watch than 24 Hours at one time; and such Watch shall make such Signals, and give such Alarms as directed; and every Officer or Soldier hearing such Alarm, or seeing such Signal, shall obey such Orders for repeating the same, or calling together, or marching, &c. as he shall receive from his Officer, &c.

22. The Quakers to be exempted from all the Duties required, and the Penalties inflicted by this Act; and instead thereof, each of them to pay Three Shillings, for every Day that other People shall appear in Arms, to the Overseers of the High Ways, to be apply'd to the repairing Bridges and High Ways; and in Case of Non-Payment to be recovered in any Court where the same is cognizable, with full Cost; and the Overseer to take to his own Use Ten per Cent. for what he shall so recover.

OBSERVATION. Many blame this Clause and think it unreasonable, and inconsistent with the Publick Safety, to exempt anybody from the known Duty of all, to defend their Country; and say, let the Tenderness in Conscience of those People be real or pretended, which themselves can only know, and for which there is no Evidence but their own Words; which for anything the Publick do, or can know, may be false, and at best (if true) is a Weakness which should not be indulg'd, and is not (in this Case) indulg'd any where:

Yet if the Publick here think fit to do it, and direct them to do something else instead of bearing Arms, the Refusal or Neglect of doing what is so directed, should rather be more Penal than the Neglect or Refusal of bearing of Arms; because they (the Quakers) are secure from the Danger of their Lives, to which others (in Case of Invasion, &c.) will be expos'd; or at last equally penal and recoverable with equal certainty, and no greater Difficulty.

Common Experience has shewn, that many are not so conscientious and sincere as they should be; and if a Man can be exempted on the Paying of Three Shillings for every Day he does not appear in Arms, instead of five, and all the other Penalties for not having Powder, Bullets, and Arms well fix'd; is it not easy to see which a Man would choose? Those who want Courage to fight in Defence of their Country, may not want Impudence to pretend a Tenderness in Conscience against the Use of the Carnal Weapon, when it is so much for their Advantage to do so; and by this Law expose Quakerism to the Reproach of being an Asylum or Sanctuary for Cowards.—The Objectors against this Clause as it stands in the Bill, say farther, that if the Tenderness in Conscience be real (as in some few Cases it may be with some Weak Men) Yet, that neither can, nor ought to be judg'd sufficient to exempt them from having the like Quantity of Arms and Ammunition in their Houses that other Men are appointed to have, and under the like Penalties; which if they cannot, or will not use themselves, other Men may.

23. That in Case of Invasion, Insurrection, or Rebellion (and not otherwise) every Captain is to raise the Company under his Command, and send immediate Intelligence to the Colonel of the Regiment, and he to the Commanding Officer of the next adjacent Counties, and in the mean time to keep the Militia in Arms;

and every Commanding Officer to whom such Intelligence shall come, shall forthwith dispatch an Express to the Governor, &c. and for that Purpose is impowered to press Boats and Hands, Men and Horses, as the Service may require, to dispatch such Intelligence; and till Order arrive from the Governor, &c. shall draw the Militia of his County together, in such Place as he shall judge most convenient for the Opposing of the Enemy.

24. That upon raising and continuing Forces in Case of Invasion, &c. it shall and may be lawful by Warrant from the Governor, &c. or any Colonel, Lieutenant-Colonel, or Major, to impress Sloops, Boats, Hands, Carts, Waggon, Draught-Horses, Tools, Utensils, &c. useful for Digging: able Men to go in Sloops, Boats, Smith, Wheelwright, Carpenter, or other Artificer, whatsoever.—Provided that no Tools or Instruments impress'd, be made use of, nor Boats, Waggon, Horses or Oxen till Appraisement be made by two lawful Men upon Oath, and an Estimate made of a suitable Allowance by the Day, for the Use of the Sloop, Boat, Cart, Waggon, Horses, &c. and every Person impressing, to take care that such Appraisement and Estimate be made, and give a Receipt to the Owner, with the Account of the Appraisement, and for what Use impress'd, upon pain of being liable to the Action of the Party griev'd for an unlawful Seizure.

25. That the Owners of Provisions, Tools, Utensils, &c. impress'd or taken up, shall be paid by the Publick, according to the Value apprais'd, and that the Owners of any Sloop, Boat, Cart, Waggon, Horses, Oxen, so taken up and employed, shall be paid by the Publick for the Use of them, according to the Estimate made, and in Case any Sloop or Boat be cast away and lost, and Cart or Waggon destroy'd, any draft Horse kill'd the Owner to be paid for the same

according to the Appraisment, and Half-pay for the use thereof; and if any Boat, Sloop, Cart, &c, be damnified, or any Horse or Ox hurt and disabled in the Service then Satisfaction shall be made according to the Damages receiv'd. Provided and so meant, that all such Damage be inquired and found by two indifferent Persons upon Oath, to be chosen and appointed by any Justice of the Peace within the County where the Person receiving Damages resides.

26. That Expresses shall be paid at the Rate of four Shillings a Day for a Footman, and Six Shillings a Day for a Man and Horse for as many Days as employed or detained.

27. That the Gentlemen of the Council, Representatives, Ministers of the Gospel, the Judges, Attorney General, Secretary, Clerks of Courts, Justices of Peace, Sheriffs, Under Sheriffs, Coroners, Physicians, and Millers actually tending Grist-Mills, be exempted from the Duties, Fines, and Forfeitures impos'd: Provided and it is in the Intent of the Act, that every Person hereby exempted, shall keep at his Place of Abode, one good Musket or Fusee, one Pound of good Powder, and four Pounds of sizeable Bullets, under the Pains and Penalties impos'd in like Cases; to be enquired into and recovered by the Colonel or one of the Field Officers by him appointed, in any Court where the same is cognizable, and apply'd in the Manner before directed.

28. That the Act, entitled, An Act for Settling the Militia of the Province of New-Jersey; pass'd in the fourth Year of his Majesty's Reign, and all Acts continuing and reviving the same, be repealed.

29. Provided that neither this Act nor anything therein contained, shall be of Force longer than five Years; and from thence to the End of the next Sessions of the General Assembly.

OBSERVATIONS from the Votes of the Assembly.

When the Governor spoke to the Assembly at their first Meeting on June 23d 1744, concerning the present Condition of the Militia, of this Province, and recommended to them, the passing of such Laws as would render it useful and effectual for our Defence (as appears by his first Speech above) The Assembly (as appears by their Votes of June 25) after a second Reading of this Speech, referr'd it to the Consideration of a Committee of the whole House.

The next Day, June the 26th, the Committee resolv'd that an humble Address be presented to his Excellency in Answer to his Speech, and that he be thank'd for his Care of the Colony; to which the House unanimously agreed.—They next resolv'd, that it is the Opinion of this Committee, on due Consideration of the Act now in Force, for settling of the Militia, that the said Act is sufficient for regulating of the Militia.

This was not unanimously agreed to, but upon the Question being put, it was carried in the Affirmative.

YEAS.

NAYS.

John Eaton,

Samuel Leonard

Robert Lawrence,

Thomas Farmar,

John Van Middleswart,

Samuel Nevil,

Dirrick Van Veghten,

Joseph Bonnel,

Lawrence Van Buskerk,

George Vreeland,

David Demarest,

Aaron Leaming.

Richard Smith, a profess'd Quaker,

Isaac Pearson, a profess'd Quaker,

William Cook, a profess'd Quaker,

Thomas Shin, a profess'd Quaker,

Joseph Cooper, a profess'd Quaker,

John Mickle, a profess'd Quaker,

William Hancock, a profess'd Quaker,

John Willets, a profess'd Quaker,

Daniel Doughty, a profess'd Quaker.

William Mott.

It appears by these Votes, that Thomas Farmar, and Aaron Leaming, were then of Opinion, that the Act now in Force, for settling the Militia was not sufficient for regulating the Militia, or they voted contrary to their Opinions.

Col. Farmar, Messrs. Cook, Smith and Lawrence, were Appointed to prepare a Draft of the Address agreed on; and on June the 27th it was deliver'd in at the Table, and read, and some Amendments made to it, in the House; and on the Question, whether the House agreed to it or not, it was carried in the affirmative.

YEAS.

The same as before, with
the Addition of
Thomas Farmar,
and
Aaron Leaming.

NAYS.

Samuel Leonard
Samuel Nevil,
Joseph Bonnel,
George Vreeland.

By these Votes and the Address, it appears, that Thomas Farmar, and Aaron Leaming, on the 27th were of the Opinion that the Act mentioned as it now stands, not only sufficiently provides for the settling of a Militia and Watches, but also enables, &c. (as in the Address;) tho' on the 26th; but the Day before, these Gentlemen were of Opinion that Act was not sufficient to regulate the Militia.

On June the 29th, the Governor spoke to them a second time, on the same Head, in Answer to their Address; and on Saturday, June 30, the Council sent them the Bill, of which the Above is an Abstract, for their Concurrence.

On Monday, July 2d, after a second Reading in the House, it was put to the Question, whether it should be committed or not? and carried in the Negative, that it should not be committed; and, without putting any Question, whether it should pass or not, was order'd

to lie on the Table; and on July 3d, the House sent by two of their Members, the Message to the Governor, by Way of Answer to what he had said to them, on the 29th of June before.

By all this, I think it plainly Appears, the Assembly came together resolutely determined to make no Provision for the Defence of the Country; they having had time enough to do it, and a Bill for that Purpose prepar'd to their Hands, which they would not have treated in the Manner they did, had they had any Inclinations or Intentions, to have done any thing of the kind recommended to them. Who influenc'd their Conduct, can be no Mystery to those who read the Votes, and know the Men. I shall therefore ask a short Question and conclude, viz. Who can with Justice, be stil'd the King's loyal Subjects, and true Friends to their Country; those who are for making Provision in time, for the Defence of their Country, and against an Invasion, in Case it should happen; or those who studiously avoid doing any thing of that Kind, on Pretence that the Expence is uncertain, and the providing for it before hand attended with innumerable Difficulties; and therefore are for delaying it, till after the Thing happens? The Answer is obvious; and whether the King's enemies could have done any Thing, or given any advice more suitable to their own Interest on this Occasion, or more contrary to the express and repeated Directions of the Lords of the Regency, than those who pretend they have the Interest and Safety of the Country at Heart, and are truly his Majesty's loyal and affectionate Subjects; is not very difficult to determine.¹

¹ See Collections of New Jersey Historical Society, Vol. IV. p. 194.

Order in Council, referring to the consideration of the Lords of Trade a memorial from Inhabitants of Elizabethtown to the King, asking for a hearing and determination of their controversies with the Proprietors of East Jersey.

[From Elizabethtown Bill in Chancery, p 121.]

At the Council Chamber Whitehall the 21st of August, 1744.

By the Right Honourable, the Lords of the Committee of Council for Plantation Affairs.

His Majesty having been pleased by his Order in Council, of the 19th of last Month, to refer unto this Committee, the Humble Petition of his Majesty's faithful and loyal Subjects, the Proprietors, Freeholders and Inhabitants of a Tract of Land now called *Elizabeth Town*, in his Majesty's Province of *New Jersey*, in *America*; whose Names are thereunto subscribed, in behalf of themselves and others their Associates, Proprietors, Freeholders and Inhabitants of the said Tract, humbly praying, for the Reasons therein contained, that his Majesty, in his Most Honourable Privy Council, will be graciously pleased to hear and determine, a Controversy arisen between several others, calling themselves Proprietors of that Province relating to the Right to the said Tract of Land; or, that his Majesty will be pleased to appoint disinterested Commissioners out of some of the Neighbouring Colonies, and by a Jury from thence also to be taken, to hear, and finally decide the said Controversy; or, that his Majesty would be graciously pleased to appoint Commissioners to hear, and enquire into, and

determine the said Controversy; or, to grant such other Relief, as to his Majesty should seem meet—The Lords of the Committee, this Day took the said Petition into Consideration, and are hereby pleased to refer the same (a Copy whereof is hereunto annexed) to the Lords Commissioners for Trade and Plantations, to consider thereof, and report to this Committee, what they conceive proper for his Majesty to do therein.

TO THE KING'S MOST EXCELLENT MAJESTY, &C.

The humble PETITION of your Majesty's faithful and loyal Subjects, the Proprietors, Freeholders and Inhabitants of a Tract of Land now called Elizabeth-Town, in your Majesty's Province of New Jersey, in America, whose Names are hereunto subscribed, in Behalf of themselves and others their Associates, Proprietors, Freeholders, and Inhabitants of said Tract.

Most Humbly Sheweth,

That his late Majesty King Charles the 2d, by his Letters Patent, under the Great Seal of England, bearing Date the 12th Day of March, in the Sixteenth Year of his Reign, did give and grant unto his Royal Highness, James then Duke of York, his Heirs and Assigns, among other Things, all that Parcel of Land in America, from the West Side of Connecticut River to the East Side of Delaware Bay, whereof the aforesaid Province of New Jersey is that part, with Power of Dominion and Government, in and over the same, to be executed by his said Royal Highness himself, or by such Deputies, Commissioners or Officers as he should think fit to appoint.

That when the said Letters Patent were granted, the Lands in the Place now called New York, and in the Province of New Jersey aforesaid, were partly under the Rule and Dominion of the Dutch, and partly under the Possession and Government of the Native Indians, Proprietors thereof.

That his said Royal Highness, James Duke of York, by his Commission under his Hand and Seal, bearing Date at Whitehall the 2d Day of April, in the sixteenth Year of the Reign of his said late Majesty King Charles the 2d, constituted and appointed Richard Nicholls, Esq; his Deputy Governor within the Lands, Islands and Places aforesaid, to perform and execute all and every the Powers which were, by the said Letters Patent, granted to his said Royal Highness, to be executed by his Deputy, Agents or Assigns.

That in Consequence of the said Commission, in or about the Month of August, 1664, the said Richard Nicholls, Esq; arriving in these Parts, demanded the Dominion and Government of the Lands now called by the Names of New-York and New-Jersey, to whom the then ruling Dutch surrendered and gave up the same.

That thereupon John Baylies, Daniel Denton, Thomas Benydict, Nathaniel Denton, John Foster, and Luke Watson, all of Long-Island, who had been before obstructed in their Endeavours to settle a Plantation where Elizabeth Town now is, by the then ruling Dutch, immediately after the Arrival of said Governor Nicholls, and his taking upon him the Government of the Lands aforesaid, to wit. On the 26th Day of September 1664, petitioned to the said Governor Nicholls, setting forth their former Attempts and Obstructions, for Liberty to purchase of the Natives, Proprietors of those Lands, a certain Parcel thereof, in his said Royal Highnesses Territories, lying on the River then called Arthur Cull River, to improve and settle upon.

That on the 30th of September, aforesaid in answer to said Petition, the said Governor Nicholls consented to the Proposals therein mane, and declared, that he would give the Undertakers all due Encouragement in so good a Work.

That thereupon the said John Baylies, Daniel Denton, and Luke Watson, for themselves and their Associates, for the Purpose aforesaid, and in pursuance of said License, *for great and valuable Considerations*, did purchase of and from certain Indians, chief Sachems, *then allowed Proprietors of those Lands*, by their Deed bearing Date the Twenty-eighth Day of October, Anno Dom. 1664; a certain Tract or Parcel of Land lying on the Main, West of Staten-Island, bounded on the South by the River commonly called the Raritan River, on the East by the River which parts Staten-Island and the Main, and to run Northward up Arthur Cull Bay, till we came to the first River which sets Westward out of the said Bay, and to run Westward into the Country twice the Length as it is broad from the North to the South, of the aforementioned Bounds.

That on the first Day of December, Anno Domini 1664, the said Governor Nicholls, by his Deed of that Date, under his Hand and Seal, therein reciting the aforesaid Purchase, did give, grant and confirm, unto Capt. John Baker, John Ogden, John Baylies, Luke Watson, and their Associates, their Heirs, Executors, Administrators and Assigns, the said Tract of Land purchased as aforesaid, to the End the same might be sooner planted, inhabited and manured; therein and thereby also promising and granting, that the Persons inhabiting said Lands, should have and enjoy equal Freedom, Immunities and Privileges, with any of his Majesty's Subjects, in any of his Colonies in America.

That immediately after the Purchase and Confirmation aforesaid, the said John Baker, John Ogden, John

Bayly, John Watson, and their Associates, your humble Petitioners Ancestors, entred upon, planted, improved and began to manure that Part of the said Land called Elizabeth-Town; and they, their Heirs and Assigns, have continued in the Improvement and Cultivation of great Part thereof; and with great Cost, Expence, Hazard, Toil and Labour, have planted, improved and manured, much of the Lands aforesaid for the Support of themselves and Families, who are now increased in the Bounds of Elizabeth-Town, to upwards of Seven Hundred Freeholders and Families.

That altho' his said Royal Highness, James Duke of York, had constituted, deputed and appointed the said Richard Nicholls, Esq; his deputy Governor as aforesaid, with the Powers, Authorities and Instructions aforesaid; yet while the said Governor Nicholls was on the Seas, and *before the Surrendry of the said Lands, and the Government thereof to him, as Governor of his said Royal Highness*, and without any previous Purchase, made of the native Possessors and Proprietors of said Lands, and without giving any Notice or contrary Instructions to said Governor Nicholls, the said Duke of York, by Indentures of Lease and Release, bearing Date the 23d and 24th Days of June, 1664, did convey to the then Lord Berkley and Sir George Carteret, the said Province of New Jersey, including the aforesaid purchased Land as part.

That thereupon the said Lord Berkley and Sir George Carteret, appointed and deputed Phillip Carteret, Esq; Governor of the said Province of New-Jersey, and sent him to govern and rule the same under them, as Proprietors thereof accordingly; who on his Arrival and Settlement in the Government of the said Province, was so far from insisting on the said Lord Berkley and Sir George Carteret's Right to the Lands purchased by your humble Petitioners

Ancestors, in Opposition to their Title, obtained by the Purchase and Confirmation aforesaid, the said Governor Carteret, by Indenture, bearing Date the 8th Day of September, in the Seventh Year of the Reign of his Majesty King Charles the Second, under the Hand and Seal of the said John Baylies, purchased of him the said Baylies, his Right, acquired by Virtue of the Purchase and Confirmation aforesaid.

And thereupon the said Governor Carteret, with John Ogden and Luke Watson, by Indenture bearing Date the 11th Day of December, 1666, claiming and holding under the said Purchase and Confirmation obtained by the said John Baylies and others, sold the Southern Part of the said purchased Lands to Daniel Peirce and his Associates, on which the Towns of Woodbridge and Amboy are now settled.

That afterwards the Dutch regained Possession of great Part of these Provinces; and on the Settlement of Peace between the Crown of England and the States General, they surrendered them to the Crown of England; and thereupon his said late Majesty King Charles the Second, again granted to his said Royal Highness, the said Provinces of New-York, New-Jersey, &c. by Letters Patent under the Great Seal of England, bearing Date the 29th Day of June, in the 26th Year of his said Majesty's Reign; and his said Royal Highness, on the 28th and 29th Days of July then next following, by Indentures of Lease and Release, granted unto said George Carteret, that part of the said Province of New-Jersey, now called *East-New-Jersey*: During all which Time, and under all the Troubles and Revolutions in those Provinces, the Ancestors of your Majesty's Petitioners held and continued in the general Possession of their said purchased Lands, and in the particular Improvement and Possession of great parts thereof; and as they had a just Right, so they expected to hold and enjoy the same peaceably: Yet notwith-

standing, about the Year of our Lord 1693, and since, a Number of Persons, calling themselves Proprietors of East-New-Jersey, claiming to hold by mean conveyances under the said George Carteret; and many others calling themselves Proprietors of *West-New-Jersey*, claiming to hold under mean Conveyances, under the said Lord Berkley; claim the Lands purchased by your Petitioners Ancestors aforesaid; and pretend that neither our Ancestors nor we their Heirs and Assigns, have any Right in the said Purchase, but what is derived from and held under them. By Means whereof many Suits in Law have been commenced, and more or less have been from Time to Time depending about the said purchased Lands, ever since the Year 1693; in many of which your Majesty's Petitioners and their Ancestors formerly gained Judgment in their Favours; and could they but have a disinterested Court, and unprejudiced Jury, they make no doubt but they should always obtain Judgment in their Favour, respecting the Lands aforesaid.

But so it is, that all the Lands in the said Province of New-Jersey, are held and claimed under the said Lord Berkley and Sir George Carteret's Titles, derived from his said Royal Highness, *except the said Land purchased by the said Baylies, Watson, &c.* and confirmed to them as aforesaid; under whom your Petitioners claim and hold; and thence it hath come to pass that the Inhabitants of the said Province are generally interested in, and affected to one or other of the said two original Titles, and disaffected to the other.

And hath also so happened, that as the far greater Part of the said Province is held under the said pretended Proprietors; so the ruling and governing Part of the said Province is in their Interest, *the major Part of the Judges of the Supreme Court and Council, being Proprietors as aforesaid, or Agents, Attorneys or*

Trustees for them, or some of them; under which Circumstances the said pretended Proprietors repeat their Suits against your Majesty's Petitioners, or some of them, even for the same Farms, if they happen not to be successful in the first Suit, and threaten to pursue in the same Method, until your Majesty's poor Petitioners are reduced to Poverty and Distress, and rendered unable to defend their just Rights, and so be obliged to surrender those Estates which they and their Ancestors have spent their Substance and Lives upon; the Loss of which, would prove a general Ruin to as many Families as make up seven Protestant Congregations, now settled on said purchased Lands.

That your Majesty's poor and distressed Petitioners, with long and expensive Law-suits for near about fifty Years together, in which they have spent many Thousand Pounds, and annually are obliged to be at vast Expence in Defence of their said Rights, are discouraged and quite wearied out, and are become (as they conceive) under the present Administration, remediless, without your Majesty's most gracious Royal Protection and Care.

And more clearly to evince the Difficulties and Matters above suggested, your Majesty's Petitioners would most humbly beg Leave to represent and numerate some of the Steps and Proceedings heretofore taken, and still carrying on against them, tending to their Distress, Loss and Ruin, (viz.)

That formerly the said pretended Proprietors, did take upon them the civil Government of the said Province of New-Jersey, and did actually erect Courts, and appoint Officers of their own, before whom your Petitioners Ancestors were sued. and by them unjustly condemned; particularly, in a Case brought by Lease of Ejectment by James Fullerton, claiming by Demise from the pretended Proprietors of East-New-Jersey, against Jeffrey Jones, one of your Petitioners

Ancestors, wherein at a Court held at Amboy, the 14th of May 1695, the said Court unjustly gave Judgment in favour of the said James Fullerton; on which Judgment, on Appeal of the said Jones to the King in Council, at the Court of Kensington, 25th February 1696, by his Majesty in Council, was reversed and set aside; and as your Petitioners said Lands are all under the like Circumstances, and held by the same Title, so they supposed and expected the Controversy about the same would have ceased; yet, nevertheless, the said pretended Proprietors, by the Improvement made by your petitioners Ancestors on the Premises, more than any Foundation of Right, were and have been further tempted to molest, trouble and invade your Petitioners Property and Possessions; that therefore, since the Government of said Province hath been under the immediate Care of the Crown, the said pretended Proprietors many of them, have been Members of the Council, and Judges of the Courts in the said Province; and by this Means your Petitioners have been prevented from bringing or removing their Cause before the King in Council, in the common Course of Appeals.

In particular, that when Joseph Woodruff, one of Your Majesty's Petitioners Ancestors, by Writ of Error, brought his Cause before the Governor and Council of this Province, in the Fourth Year of the Reign of your Majesty's late Royal Father, in order to obtain a Judgment there; and from thence, if Judgment was given against him, he intended to have appealed to his said Majesty then King of Great Britain, &c. in Council; the said Governor and Council would never be prevailed upon to give a Judgment in the said Cause; but after about Ten or Twelve Years Delay, and a vast Expense in the Cause, the said Case dropt without being decided.

The present Governor of the said Province has for-

merly been Agent for some of the said pretended Proprietors, and stands in a near Relation to several of the pretended Proprietors aforesaid; the present Chief Justice of said Province is Trustee and Guardian of several Orphans who are pretended Proprietors aforesaid; and the rest of the Judges and Members of the Council are in general interested, on the said pretended Proprietors Side.

That the Juries in the Counties where the said purchased Lands lye, are generally interested and engaged against your Petitioners; and the more effectually to secure all in Favour of the said pretended Proprietors, the Governor, Council and General Assembly of the said Province, have, by an Act passed in the Fifteenth Year of your Majesty's Reign, annexed part of your Petitioners Lands, which were before in the County of Essex, unto the County of Somerset, where the Juries are generally in the said Act, representing the Inhabitants as having prayed for the same; which your Petitioners believe to be a great Mistake.

That under all these and many other such like Disadvantages, Writs of Trespass, and Leases of Ejectment, in behalf said pretended Proprietors, are frequently commenced against some of your Petitioners, and thereon Verdicts and Judgments obtained; some of them for Six-pence Damage, and for Two or Three Hundred Pounds Proclamation Money Costs; others of your Petitioners are turned out of their Freeholds and Living, and large Bills of Costs taxed against them.

By Means whereof many of your Majesty's poor Petitioners are grievously distressed, and others are daily threatened with the same Fate, and are daily under Expectation of being burthened with heavy Costs, great pretended Damage, and Loss of their Possessions and Inhabitants; which your Petitioners are advised, they do not suffer for Want of Justice;

and your Majesty's Petitioners are advised, that it's neither legal, equitable nor just, that the Titles to their said Lands should be tryed by the Judges, Jury and Courts of the said Province, in Regard they are Parties in Interest more or less in the Matters in Controversy, and ought not to hold Plea of your Petitioners said Lands.

WHEREFORE, Your Majesty's Petitioners most humbly implore your Majesty, the Fountain of Justice, that you would be graciously pleased to take them and their said Cause under your Majesty's Royal Care and Protection; and as there is no Prospect that your distressed Petitioners can find any Remedy of their Grievances in this your Majesty's Province of New Jersey that your Majesty in your most Honourable Privy Council, would be pleased to hear and determine their said Controversy; or, that your Majesty would be pleased to appoint disinterested Commissioners out of some of the Neighbouring Colonies, and by a Jury from thence also to be taken, to hear and finally decide the said Cause; or, that your Majesty would be graciously pleased to appoint Commissioners to hear, and enquire into, and determine said Controversy, or otherwise order for your Majesty's loyal, dutiful, poor, oppressed Petitioners Relief, as to your Majesty, in your princely Wisdom and abundant Goodness, shall seem meet,

And Your Majesty's Most Humble Petitioners,
as in Duty bound, shall ever pray, &c.

[July, 1744]

[Three hundred and nine names were appended which can be found in papers of F. J. Paris in Historical Society Library—Elizabeth-town Papers, Bundle L, No. 9.]

Memorial of the East Jersey Proprietors to Governor Morris—asking for the passage of an Act for running the Division Line exparte.

[From Papers of Ferdinand J. Paris, Book A. p. 137. in the New Jersey Hist. Soc. Library.]

TO HIS EXCELLENCY LEWIS MORRIS ESQ^r Captain General and Governor in chief of the Province of New Jersey and Territories thereon Depending in America and Vice admiral in the Same.

The memorial of the Council of General proprietors of the Eastern Division of New Jersey.

Humbly Sheweth

That by an Act of Governor Council and Assembly of the Province of New York pass'd in the year 1717 the Governor thereof was impowered to appoint Commissioners in behalf of that province to Join with such Commissioners as Should be appointed in behalf of the province of New Jersey for Runing and Ascertaining the Line of partition and division between the Said Two provinces; and a Sum of money was by the Said Act appropriated for that purpose.

That Soon afterwards another Act was pass'd by the Governor Council and Assembly of New Jersey empowering the Appointment of Commissioners for the Eastern and Western Divisions of the Province of New Jersey to meet with the Commissioners to be appointed for the province of New York to Execute the purpose aforesaid.

That in the year 1719, Commissioners having been

Appointed in pursuance of both the Said Acts: they met, and Unanimously Settled the Latitude of 41° ; $40'$ upon the Northernmost Branch of Delaware, which is the North end of the Partition Line between the Said provinces: and Executed Indentures Tripartite under their hands and Seals for Commemorating the Said North partition point: which North partition point, is also the partition point between the Eastern and Western Divisions of New Jersey; and So the Said Western Division had no further interest nor concern in or about the Said line; As by one part of the Said Indentures here Ready to be produced to your Excellency may appear.

That afterwards in the Said year 1719 by order of the Said Commissioners a Line was run and Mark'd from the Said North partition point to Hudson's River, towards the place where they Esteemed the Latitude of 41° would be found upon it, which Latitude on the East Side of the Said River is the South End of the partition Line between the Said Provinces, and Sundry Obseervations were taken upon Hudson's River for discovering the Said Latitude of 41° there, but the Commissioners Concerned did not then nor ever Since meet to agree thereon.

That The Commissioners and Proprietors of the Eastern Division of New Jersey afterwards used many and frequent Amicable endeavours with the Commissioners for New York, and with the New York proprietors of the Lands adjoining to the Said partition Line for Ascertaining the South partition point aforesaid upon Hudson's River and for Runing the Line from thence to the North partition point aforesaid, but all those Endeavours proved ineffectual.

That in September 1741 Committees, appointed by the Two Councils of proprietors of the Eastern and Western Division of New Jersey, met and laid before your Excellency a Representation of the Greivances

and hardships that the people and proprietors of the province of New Jersey laboured under for want of the Said Line of Partition being Settled, and praying your Excellency's interest and Assistance for procuring the Said Line to be Settled, and for putting a Stop to the Grievances Suffered for want thereof.

That in July 1742, Your Memorialists laid another Representation before your Excellency to the purpose of the former, praying your Excellency to take Such Effectuall measures as you Should think proper that the Settlement of the Said Line might be brought to a Speedy Conclusion.

That we are fully Satisfied that your Excellency used your Best Endeavours with the honorable George Clark Esq^r Lieutenant Governor and late Commander in Chief of the Province of New York to have our Requests aforesaid put in Execution, and are Sorry that those Endeavours had not the Success that we had reason to hope for from them.

That in October 1743 the Inhabitants of this Province living near the Said partition Line by Abraham Vanaken and Jurian Westphale petitioned your Excellency and the General Assembly of this Province for Relief against the Grievances by them Suffered for want of the Said Line of Partition being run; And we are fully Satisfied that your Excellency in that Same Month of October Sent Coppies of the Two Memorials aforesaid and of the Said petition to his Excellency George Clinton Esq^r Captain General & Governor in chief of the province of New York, and used your Endeavours with him for the Settlement of the Said Partition Line; but Notwithstanding the Several Endeavours aforesaid, and other private Endeavours by Some of us with the New York Proprietors of the Lands adjoining to the Said Line, we are under great Concern to Say that we have little hopes left of obtaining the Settlement of the Said Line, otherways

than by an Act of the General Assembly of this province to be approved of by his Majesty for runing the Same Line exparte.

Your memorialists therefore humbly pray your Excellency would be pleased to Recommend it to the General Assembly of this Province, which is to meet at Burlington in October next, to pass an Act for Runing the Said Line exparte: and if the Same Should be so pass'd, that your Excellency would be pleased to Recommend it for his Majesties Royall Aprobation: and that in the mean time your Excellency would be pleased to order Such notice of this intention to be Given to the Governor of New York as you shall think proper.

And your memorialists Shall ever pray &c.

By order of the Council of Proprietors of East Jersey
Perth Amboy Sep^r 7th 1744 JOHN HAMILTON.

Representation of the Council of New Jersey to Governor Morris—containing reasons for rejecting several acts, &c.

[From P. R. O. B. T. New Jersey, Vol. V, F 69.]

To His Excellency Lewis Morris, Esq ;
Captain General, and Governor in Chief, in and over His Majesty's Province of New-Jersey, and Territories thereon depending in America, and Vice-Admiral in the same, &c.

The humble Representation of His Majesty's
Council in General Assembly met.

Sir

Having considered the Votes and Resolutions of the House of Assembly of the 22d of November last, which

your Excellency was pleased so early to communicate to us; we thought ourselves obliged, by the Duty of our Station, to enter into some Resolves, thereby to assert the Royal Prerogative, which we conceived in some Measure attacked; and to maintain the Rights and Privileges of His Majesty's Council, which we looked upon, by those Votes, to be not only questioned, but greatly infringed: And as the Conduct and Characters of the Members of our House are by them so openly (tho' unjustly) aspersed, we think it incumbent on us to clear up both to His Majesty, to whom alone we look upon ourselves to be accountable, by assigning the Reasons of our Conduct, so loudly complained of this Sessions; and we doubt not His Majesty, and His Ministers, will very readily discover the Injustice and Unreasonableness of the Complaints and Aspersions contained in those extraordinary Votes, which were founded on the Council's having rejected some Bills sent up to them by the House of Assembly this Sessions, which they are pleased to say are essentially necessary for the Benefit and Well-being of the Inhabitants of this Colony; but as the Council differed in Opinion with them concerning the Nature and Tendency of most of those Bills, we come now to declare what the genuine Reasons were for rejecting of them; and, for Brevity's sake, shall transiently point out some Instances, wherein we conceive the Gentlemen of the Assembly have unhappily mistaken, at this time, the true Interest of His Majesty, the Security and Defence of this His Colony, and the real Well-being of His People, whom they now represent.

The first Bill rejected by the Council, was a Bill intituled, *An Act to oblige the several Sheriffs of this Colony to give Security, &c.* This Bill, in the year 1738 (when the first Sessions of General Assembly was held under your Excellency's Administration) took its Rise in the Council, was drawn by one of their Mem-

bers, and cost the Publick no Treasure, nor the Assembly any Pains; nor did the Drawing of it occasion any Delay in the Business then before the Council, and was sent down to the House of Assembly for their Concurrence. The Assembly then did, and ever since have added a Clause, whereby no Sheriff was to continue in that Office longer than three years, and was not to be admitted into that Office again in less than three years after his Removal. To this Amendment of the Bill the Council could not agree, 1. Because then every good Sheriff in the Province must be removed from an Office, which, when well filled, must be of great Benefit and Security to the People. 2. Because, if that must be the Situation of Sheriffs, no Man of Substance or Employment, by which he could tolerably maintain himself or Family, would accept of the Office; and to trust necessitous Men would be imprudent, since their Poverty might tempt them to do many Things that might be oppressive and dangerous to the People. 3. Because, by that Means, scarce one Sheriff in ten could be supposed to be acquainted with either his County, or the Duties of his Station.

Had the Council amended the Bill, by taking away that Clause, they had abundant Reason to believe, that they might as well reject the Bill itself, since many of the Members of the present Assembly, when Members of former Assemblies, have more than once declared, as well at Conferences, as at other Times, that they never would pass the Bill without that Clause; what secret Reasons they may have for such a Resolution, are best known to themselves, but they never yet have offered any that could convince the Council of the Necessity or Conveniency of such a Clause, nor any but what the Council conceive they have sufficiently answered and confuted; and, what is more, have proposed other Methods more expedient, and more effectual for the Ends proposed by it; but all to no

Purpose; that Clause must take Place, or the Bill must be lost. Thus this has been the unhappy Rock on which that Bill, so full freighted with many Advantages and Benefits to the People, has so often split.

The next Bill rejected by the Council, was, *A Bill for laying a Duty on Indian, Negroe and Molatto Slaves, imported into this Colony.*

This Bill the Council considered abstractedly from any Instructions your Excellency has in relation to the African Company, which many of the Gentlemen of the Assembly we suppose are not unacquainted with, and only weighed the Advantages and Disadvantages that would arise to the People of this Colony upon that Bill's passing into a Law. By that Bill was plainly intended an intire Prohibition of all Slaves being imported from foreign Parts, no less than a Duty of Ten Pounds being imposed on all grown Slaves imported from the West-Indies, and Five Pounds on all those directly imported from Africa. Upon the most mature Consideration the Council were of Opinion, that if that Bill, or any other Bill, discouraging the Importation of Slaves, should at this time pass into a Law, the People of this Province in general (a few Labourers only excepted) and the Farmers in particular, would be great Sufferers by it, and that for the following Reasons.

1. It is well known, that a great Number of Labourers went out of this Province on the late Expedition to the West-Indies, and that very few of them have returned; That many, for some Time past, have been going, and still are going, on the Privateering Account; by which Means Labourers Wages are become very high, and the Farmers, Trading-Men and Tradesmen, are greatly straitened for want of Labourers to carry on their Business.

2. It is also well known, that since the Manufacture of Linnens has arrived to any tolerable Perfection in

Ireland, we have had very few Servants or Labourers from that Island, and have no Reason to expect many for the Time to come.

3. The present War throughout the German Dominions, and between almost all the Powers on the Continent of *Europe*, gives us Reason to expect no Assistance from that Quarter. And as our Sovereign is deeply engaged in a War with many powerful Princes, we have as little Reason to expect any Number of Servants from the Island of *Great-Britain*. Wherefore we conceive, that it would be more for the Interest of the People of this Colony to encourage at this Time the Importation of Slaves, than by a Law to prohibit them altogether, and therefore we rejected that Bill.

The third Bill rejected by the Council, was, *A Bill for making current Forty Thousand Pounds in Bills of Credit*. The Preamble to this Bill was specious indeed, by which the House of Assembly no doubt designed to persuade the Council, that they intended to apply Part of the Money towards building a House for the Governor to live in, another for the Council and Assembly to sit in, with proper Offices for the Secretary, and for preserving the Records of the Province; but as the Actions, not the Expressions, of Men, are the truest Touchstone, by which their Sincerity is to be discovered, so enacting Clauses, and not Preambles, must declare the Intention of, and give Force to, Laws. Indeed in the Acts of Parliament of *Great-Britain* where the Legislative Body is above mean Arts and low Subterfuges in the grand and solemn Affair of making Laws, we find the Preambles plain and honest Declarations of the Necessity, Conveniency and Design, of them, and excellent Introductions to the right understanding of them. But as by no one Clause of that Bill any Provision was made, nor any Money appropriated to the carrying on and completing those Buildings, which every Body here must own are

very necessary; so we could not look upon that Preamble but as a mere artful, tho' unskilful Pretence, by which that Bill was to be ushered into the World, in order to receive the Sanction of a Law.

By a Clause in that Bill indeed Provision was made for purchasing a thousand Arms, with Bayonets fitted thereto, Twenty-five Barrels of Powder, and five Tons of Lead, for the Use of the Province; but as the Addition of a few Arms and Ammunition, when put into the Hands of unskilful Men, would contribute very little towards the Security of the People; and as there was no Hopes of obtaining from the present House of Assembly an Act any ways effectual for the necessary Regulation of the Militia of this Colony, the Council was well assured, that the People, by the Method proposed, would purchase those Stores at much too dear a Rate.

If the Gentlemen of the Assembly thought those Arms and Ammunition absolutely necessary for the Security and Defence of their Country; and since they complain so loudly in their Votes and Resolves, of the Disappointment occasioned by the Council's rejecting the Bill whereby such Provision was made; why have they not applied Part of the Money, now lying dead in the Treasury, to that Purpose? But no, that would not serve the Turn, that would not procure the Forty Thousand Pounds. Besides, the House of Assembly ought to be more frugal of their Money than that comes to; they cannot part with that choice Treasure at so cheap a Rate, as the preserving of the Lives, Liberties and Fortunes, of their Countrymen; They must keep that for the Use of His Majesty, when on any Emergency he shall stand in need of it; It is not to be thrown away upon the Support of His Government, on the Defence of His Colony, and of His faithful and loyal People of *New Jersey*. Is this a well timed Frugality? Can any Pretence of assisting His Majesty be

urged as a reasonable Excuse for not supporting His Government, or for not applying the publick Money for the Preservation of His Colony, and of His Subjects here? Surely not; yet such has been the Pretence, the Excuse and Conduct, of the present Assembly.

By the Body of this Bill it Plainly appeared, that the Assembly designed to go on with raising of Money for the publick Use in the usual Way by the Loans of Bills of Credit; a Method, as we conceive, unequal and unreasonable, and fatal to the People in general, and to the Merchant and Trader in particular, in all its Consequences; which will clearly appear from the following Considerations.

1. By this Method the Rich, who ought to contribute most towards the publick Expence, do not contribute one Farthing towards it.

2. The Distressed, and People involved in Debt, are the Chief, if not the only Persons, who by this Method bear the Burden of that Expence; and tho' it may be said, that it is an Act of their own Choice, and that they are no ways compelled so to do, by Experience, it is well known, that such a Method of letting out Money by the Publick is a great Temptation to unthinking People, who, in order to extricate themselves out of some present Difficulties, have plunged themselves into much greater, out of which neither they, nor perhaps their Children, will be able to recover; these, and these chiefly, are the People who called so loudly for fresh Supplies, and should their Desires be gratified, we have great Reason to apprehend, that still greater Numbers would fall into the same unhappy Circumstances, and therefore think it high time to put a stop to so growing an Evil.

3. The fluctuating Nature of a Paper Currency lays the Merchant and Trader under very great Disadvantages; for after they have sold their Goods at a moderate Advantage (for which it is generally two Years

after they receive their Pay) they are always Losers in Proportion to the sinking Credit of such a Currency, and that Credit is ever lowest when great Sums of the like Currency are issued; and it is plain and obvious to every Man that knows any thing of Trade, that Gold and Silver have all along continued to rise in Value ever since a Paper Currency first took Place; in Consequence of which, the Exchange between this and Great Britain has risen to a very great Height, and should the Method be continued of emitting such large Sums of Bills of Credit, which, to the Body Politick, is like cold Water to a Man in a high Fever, the more is given still the more is called for, Trade (without which we cannot well subsist) would be undone, the Merchant ruined, and the People in general brought into great Distress. Besides, should the Bill, now depending in Parliament, which has been communicated to the House of Assembly as well as to this House, pass into a Law, which we have great Reason to expect, if any Judgment may be formed from His Majesty's late Instructions to His Governor, or the strict Enquiry that has been made by both Houses of Parliament into the Nature and Circumstances of such a Currency, the opinion of the Lords of Trade upon that Head, and the Credit of the Gentlemen who brought that Bill into the House of Commons, it would effectually prevent the Bills of Credit, now proposed to be struck, being a Tender in any Payment: Wherefore, it would have been a great Damage to the People of this Province should the Bill proposed have passed into a Law; and therefore we thought it our Duty to reject it.

The next Bill rejected by the Council, was, *a Bill to repeal Part of an Act made for the Preservation of Timber in the Eastern Division of this Colony, and passed the second of December, 1743, but was not to be in Force till some Time in July last past; which not exceeding three or four Months at most, the Council*

were of Opinion, that no tolerable Judgment could be formed from any Experience that could be had in so short a Time, of the good or bad Effects of such a Law: Besides, the Repeal being intended only for the County of *Essex*, the Council were of Opinion, that as the greatest Body of Timber is to be found in the Counties adjoining to the County of *Essex*, so it would be no difficult Matter to carry the Timber from those Counties into the County of *Essex*, from whence it might be transported; therefore, if that Bill had taken Place, it had in Effect, repealed the whole Law, for which Reasons the Council rejected that Bill.

These are all the Bills that have been rejected by the Council at this Time.

As to the Bill *to prevent Actions under Fifteen Pounds being brought into the Supream Court*, that was amended by the Council, and made the same as the Law now stands (excepting only in the Case of double Costs upon Writts of Error) which Law the House of Assembly, in the Preamble to their Bill, do say, is found by Experience, to be of great Benefit to the People; if so, how the People came to be deprived of that Benefit, will appear by the Votes of their House, where it will be found, that the Bill not only dropped with them, but that the Majority of that House were against conferring with the Council upon it.

The Council cannot in Silence pass over at this Time, the surprizing Conduct of the House of Assembly in relation to the Militia Bill. The People of this Colony are not at present in a Condition or Capacity of building such Fortifications as would prevent an Enemy from landing on their Coasts, and have no other Way of defending themselves than by a well regulated Militia; yet such has been the Conduct of the House of Assembly at this Time, that they have denied the People the only Means in their Power of preserving themselves, their Wives, their Children, and their Fortunes, from becoming an easy Prey to the first Invader.

That the Law for the better Regulation of the Militia of this Province at this Time is absolutely necessary, stands confessed by the Title and Preamble to their own Bill sent up this Sessions to the Council: Yet notwithstanding, whoever will consider the Bill itself, and compare it with the Law now in being, must confess, that the latter, lame as it is, is much more effectual for that Purpose.—It is very possible there may be some Defects in the Amendments made by the Council to their Bill; if they have discovered any, was it not their Business, their indispensable Duty, to supply those Defects, and to do every thing in their Power to make the Bill effectual? Is not this the usual, the only Method, whereby all Bills are brought to Perfection? Can that House any ways excuse themselves for not pursuing that Method in an Affair of that Importance, that concerns no less than the Lives, Liberties and Fortunes, of their Countrymen, nay, and their Religion too? Is not this the grand Affair, the chief Thing needful at this Time, upon which they have so often been called together, and which the House of Assembly are under solemn Engagements and publick Promises to go through with and compleat? Instead of which that House have disagreed to the Alterations made by the Council to that Bill, and have even declin'd having any Consultation or Conference with the Council upon it, And, on the other hand, which is a very extraordinary Step, and without any Precedent but their own, and, as we conceive, unparliamentary, they have ordered the amendments made by the Council to be printed, in order to expose whatever Defects may appear in these Amendments, and to have it once more in their power to impose on the weak minds of those well meaning People, who have been so unhappy as to choose such Men to be their Representatives.

But tho' this Step, taken by the Assembly, is wrong, and unworthy the Dignity of a House of Assembly, yet it gives us this Satisfaction, that thereby they plainly discover their own designs, and as plainly prove to every Man that has common Sense enough to know what his real Interest and Security in this case is, that the Council have been the true Patrons and Friends of the People on this Occasion. Some People, perhaps, may imagine, that by the Method proposed by the Council, the Militia would be put under a stricter Discipline than is necessary, and that it would occasion a needless Expence to the People, by forming one Troop of Horse out of every Regiment; but if such People would consider, that unless a Militia be well disciplined, and under good Regulation, they never will be able to make any tolerable defence; and as our Sea-coast, as well as the Land on the Back of us, is very extensive, and as we cannot know what Part of it an Enemy may enter or land at, every Man, that knows any thing, must know, that Troops of Horse are absolutely necessary on such an Occasion, who, by being able to march much faster than Foot Companies can, may oppose and distress the Enemy till the Foot Companies can be brought up to their Assistance, by which Means many hundred Families in such a Part of the Province may be preserved from Ruin. Since then no one can tell where the first Blow may be struck; since Troops of Horse are most fit to hinder the Progress of an Enemy; since it is for the Peoples own sakes that such are proposed; since such a discipline can only be designed for the Preservation of the People, their Liberties and Estates, and was to be at an End as soon as Peace is proclaimed; and since these are the only Means in our Power for our defence, such Troops, and such a Discipline, must be looked upon as absolutely necessary at this Time.

Upon the whole, we beg Leave to observe to your Excellency, that as we have throughout this Representation preserved an honest Sincerity, and the strictest Truth, of which, from your own Knowledge of Things, and of our past Conduct, we persuade ourselves your Excellency will make no Doubt; so we conceive that we have just Reason to apprehend, from the past and present Conduct of the House of Assembly, that this second Rejecting of the Bill for making current 40,000*l.* by the Council, has been the chief Cause (we heartily wish it were the only Spring) of these unhappy, these ill-timed Differences. We are sensible, Sir, nay, we are well assured, that many People in this Colony, who have taken the Publick Money, will for some Time be distressed by paying of it in again; but all that we can say, as a Branch of the Legislature, is, that we heartily pity their Condition; but we cannot, in justice to our Country, and to the Trust reposed in us by His Majesty, redress a private Misfortune at the Expence of the publick Weal

But why the Government should not, at this Time, be supported in as ample a Manner as it has been at any Time before, we own we are at a Loss to know, seeing there is now in the two Treasurers Hands, of the Interest Money arising from the Loans of this Province, which, by the Laws that gave it Being, is absolutely appropriated to the Support of Government, a Sum sufficient to support it for at least three Years to come; the House of Assembly having notwithstanding lessened your Excellency's Salary one Half, reduced that of the Chief Justice to one Fourth, and cramped all the rest of the Officers of the Government, let their Pretences be what they will, must convince the World, that they do intend, by such a Conduct, to compel your Excellency and the Council to fall in with their Measures; but we trust, that

neither your Excellency, nor the Council, will prostitute the Trust reposed in you and them by His Majesty.

The Assembly indeed, by their Votes and Resolves, pretend a Necessity of being frugal of their Money (as they are pleased to term it) in order to be able to assist His Majesty in case of Necessity; but we are well assured, that His Majesty would be much better pleased with their supporting His Government in the usual Manner, with their putting His Colony in a proper Posture of Defence, and with their preserving Peace, Unanimity, and a good Understanding among His People here, than with any trifling Sum they are able to assist His Majesty with at this Time.

What Lengths the Gentlemen of the Assembly might have gone upon this Occasion, were it not for a noble Stand made by some worthy and more Knowing Members of that House, we shall not take upon us at this time to say; we are willing to impute their present Conduct to a mistaken Zeal, and their Want of a necessary Knowledge of the true Boundaries that divide the distinct Parts of which our happy Constitution is composed, that is, the three Branches of the Legislature; and we still live in Hopes, that when they come to Know how essentially necessary every Part, when confined to the proper Limits of its own Power, is to the Preservation and Well-being of the Whole, they will alter their present Measures, and heartily join with us in procuring to ourselves and the People, for whom we act, many salutary Laws, productive of Wealth, Peace, and lasting Happiness.

As we can, from the Tranquillity of our Minds, assure your Excellency, that we have acted every Part with strict Honour in Defence of His Majesty's Prerogative for the Preservation of our happy Constitution, and in Support of the true Liberties, Privileges, and real Well-being of the People of this Colony; so we humbly pray, that your Excellency will lay this

our humble Representation at His Majesty's Feet,
where we doubt not it will meet with a Treatment
worthy the Known Justice of our Royal Master.

By Order of the House,

JOHN READING, Speaker.

*Letter from Governor Morris to the Lords of Trade—
Recommendations for the Council.*

[From P. R. O. B. T. New Jersey, Vol. V, F. 71.]

Triplicate, Kingsbury feby 1st 1744-5

[N. B. Neither of the two former were receiv'd
when this came. 28. May 1745.]

My Lords,

This serves to Informe your Lps that my Letters to
Your Lordships & the Secretary of State and the Pub-
lick Papers are put into a Small box directed to your
Lordships being too bulky to be made up conveniently
any other way I sent them to New York to be put on
board a Ship call'd the Queen of hungary one Hilton
(I think) Master. Inclos'd is a representation of the
Councill to me which if the other papers should not
come to hand may give your Lps some insight into the
present state of Our affaires. Partridge our Agent, or
rather the Assembly's Agent, was directed by our late
Assembly to Appeare against the Bill to be brought
into Parliament with relation to the Paper currency:
But he has no such Orders from the Government.
Lest he should Pretend to it and use that Assemblys
direction as such I Inclose a copy of my letter to him.

I have mentioned in mine to your Lps the Assemblys
complaint of the Councils not being full. I could fill

them up to no more than Seaven; which I have done as there was Occasion: But to take away all pretences of complaint on that head, I have recommended to Your Lordships to fill them up with the following persons viz. Edward Antill¹ and James Hude² who are already sworn into the Councill I have pray'd may be confirm'd, and that Andrew Johnstone³, John Coxe, Peter Kimbol [Kemble?] and Thomas Leonard may be added to make up Eleaven residing Councillors. Alexander the 12th resides at New York; he has a great interest in this Province and is an usefull man when he can attend. I have more fully mentioned this to Your Lps in my Letter; and write this lest that should not come to hand and this should, the men I have recommended are some of the most considerable men in the

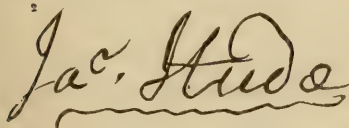
1



This gentleman resided at Raritan Landing and was, connected by marriage with the Morris

family. He was remarkable for his eccentricities.—See Contributions to East Jersey History, p. 227.—Ed.

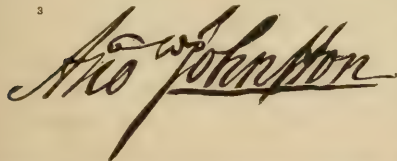
2



was one of a Woodbridge family of considerable note, but resided in New Brunswick, where he died in November, 1762, holding the office of Mayor of the city. His obituary in the New York Mercury states that he had held almost all the honorable

offices and employments in the government, as well as those conferred by the people, and adds: "His death is not only an irreparable loss to the poor, who had at all times free access to his person and his advice and assistance without fee or reward, but to the public is a subject of great regret."—See Contributions to the History of Perth Amboy, p. 374.—Ed.

3



was the son of Dr. John Johnstone who has been frequently referred to in these pages, whose sons dropped the final "e" in their family name. Like his father, he held many responsible offices, and continued in the Council until his death, in 1762, and was character-

ized by "good equality of temper, circumspection of conduct, an open, yet grave, engaging mien, much goodness of heart and many virtues, both public and private."—See Contributions to East Jersey History, p. 72.—Ed.

Province and firme in the interest of the present Government, Elce would not be recommended by my Lords,

Your Lordships most humble
and Obedient Servant,
LEWIS MORRIS.

P. S. This Goes Via Philadelphia By one Mesnard by whom goes duplicates of the publick letters.

Certificate of Governor Morris—concerning the Proprietors Surrender of the Government.

[From the Original in Rutherford Collection Vol. III, p. 191, compared with the Record in Secretary of State's Office at Trenton.]

By His Excellency Lewis Morris Esq^r Captain
General and Governor in Chief in & over
the Province of New Jersey & the Territories thereon depending in America &
Vice admiral in the Same &c

I Do hereby Certifie that I the Said Lewis Morris being employed by the General Proprietors Inhabiting in the Eastern Division of the Province of New Jersey to Negotiate their Surrender to the Crown of their Powers of Government I did accordingly in Conjunction with Sir Thomas Lane and the West New-Jersey Societie of Proprietors in whom the Government of the Western Division of New Jersey was then and in Conjunction with the Proprietors of the Eastern Division then in England Negotiate the said Surrender which was made to Her Majestie Queen Anne by the said Proprietors and my Self on the Sixteenth of April one Thousand seven hundred and two. That during the said Negotiation a set of Instructions were agreed on

by the Crown with the said Proprietors to be given and continued to the Governors who should be appointed by the Crown for the Government of New Jersey *Three* of which said Instructions so agreed on were in the following words Viz^t 20 Our will and pleasure is that for the better quieting the minds of our Good Subjects Inhabitants of our said Province and for Settling the Properties and Possessions of all Persons Concern'd therein, either as General Proprietors of the Soil under the first Original grant of the said Province made by the late K: Cha^s 2^d To the Late Duke of York or as Particular purchasers of any Tracts of Land from the same General Proprietors You shall propose to the said General Assembly of our said Province the passing of such Act or Acts whereby the Right and property of the said General Proprietors to the Soil of our said Province may be confirmed to them according to their respective Rights & Titles Together with all such Quit rents as have been reserved or are become due to the said General proprietors from the Inhabitants of our said Province & all such priviledges as are Expressed in the Conveyances made by the said Duke of York Excepting only the Right of Government which remains in us And you are further to take care that by the said Act or Acts so to be passed, the particular titles and Estates of all the Inhabitants of that Province and other Purchasors claiming under the said Generall Proprietors be confirmed and settled as of Right do's appertain under such Obligations as shall tend to the best and Speediest Improvement & Cultivation of the Same Provided always that you do not consent to any Act or Acts to lay any Tax upon Lands that Lye unprofitable. *New Article* You shall not permit any other person or persons besides the said General Proprietors or their Agents to purchase any Land whatsoever from the Indians within the Limitts of their

Grant. 33 You are to permit the Surveyors and other Persons appointed by the forementioned General Proprietors of the Soil of that Province for Surveying & recording the Surveys of Land granted by and held of them to Execute accordingly their respective trusts And You are likewise to Permit and if need be Aid and Assist Such other Agent or Agents as Shall be appointed by the said Proprietors for that End to Colect and recieve the quit rents which are or shall be due unto them from the Particular possessors of any Tracts or Parcels of Land from time to time Provided always that such Surveyor Agents or other Officers appointed by the said General Proprietors do not only take Proper Oaths for the due Execution & performance of their respective Officers or Employments and good & Sufficent Security for their So doing but that they likewise take the Oaths appointed by Act of Parliament to be taken Instead of the Oaths of Alegiance and Supremacy, as also the test and Subscribe the forementioned Association, all which you are accordingly to require of them & not otherwise to admit any Person into any such Office or Employment, and you Are more Particularly to take care that all Lands Purchased from the said Proprietors be cultivated & Improved by the Possessors thereof.

LEWIS MORRIS.

Be it Remembered that on the 28th of February 1744-5 before Robert Hunter Morris Esq^r Chief Justice of New Jersey. His Excellency Lewis Morris Esq^r aforesaid acknowledged the preceeding Certificate to be his Act & Deed.

ROB^t H: MORRIS.

The Lords of Trade to the Lords Justices—with recommendations for the Council.

[From P. R. O. B. T. New Jersey, Vol. XV, page 38.]

To their Excellencies the Lords Justices

May it please your Excellencies,

Fenwick Lyell, Peter Baynton & Archibald Home Esq^{rs} late Members of His Majesty's Council in the Province of New Jersey being deceased, and Edward Antill, James Hude and Andrew Johnston Esq^{rs} being recommended to Us as Persons every way qualified to serve His Majesty in that Station, We humbly take Leave to propose to your Excellencies that they may be appointed of his Majesty's Council in New Jersey, in the room of the said Fenwick Lyell, Peter Baynton & Archibald Home Esq^{rs}

Which is most humbly submitted

MONSON

M. BLADEN

R. PLUMER

B. LEVESON GOWER

Whitehall }
June 19. 1745. }

Communication from the Lords of Trade to the Lords Justices—making further recommendations for the Council of New Jersey.

[From P. R. O. B. T., New Jersey, Vol. XV, page 39.]

To their Excellencies the Lords Justices

May it Please your Excellencies,

Cornelius Vanhorn, John Schuyler and John Wells Esq^{rs} late Members of His Majesty's Council in the Province of New Jersey, having desired Leave to resign their Seats in the said Council, the two former on

Account of their private Affairs, and the latter on Account of his great Age and Infirmities, and Peter Kimboll [Kemble?], John Coxe, and Thomas Leonard Esq^{rs} being recommended to us as persons every way qualified to serve His Majesty in that Station, We humbly take Leave to propose to Your Excellencies that they may be appointed of His Majesty's Council of New Jersey, in the room of the said Cornelius Vanhorn, John Schuyler & John Wells Esq^{rs}

Which is most humbly submitted

J. PITT

MONSON

R. PLUMER

M BLADEN

B. L. GOWER

JA. BRUDENELL

Whitehall June 20. 1745.

[Under date of September 18th, these appointments were all confirmed by the King in Council.]

Representation to the Lords Justices from the Lords of Trade—proposing the repeal of the Act regulating fees.

[From P. R. O. B. T. New Jersey, Vol. XV, page 146.]

To their Excell'ies the Lords Justices

May it please your Excellencies

We have had under Our Consideration an Act passed in His Majesty's Colony of New Jersey in December 1743, Entituled an *Act for ascertaining the Fees to be taken by the several Officers in the Colony of New Jersey.*

We have consulted M^r Fane one of His Majesty's Counsel at Law upon this Act, who has no Objection thereto in Point of Law, but as M^r Morris, His Majesty's Governor of the said Colony, has informed us, that the Fees directed to be paid by this Act to the Officers

of the several Courts of Judicature, are so inconsiderable that no Persons of Character or Reputation will care to accept of Employment therein, We humbly propose to your Excellencies; that the said Act may be repealed, and as a further Reason for the Disallowance thereof, We humbly take Leave to lay before your Excellencies the annexed Account of the Proceedings of the Assembly of His Majesty's said Colony upon this Occasion, taken from the Notes of that House, who ordered a Copy of this Act to be printed as a Rule for the People there to govern themselves by, notwithstanding it was passed with a Clause declaring that the same should not be in force till His Majesty's Royal Assent was had thereunto.

Which is most humbly submitted

MONSON
R PLUMER
JA^s BRUDENELL
B. L. GOWER
J. PITT.

Whitehall }
Augst 15. 1745. }

An Account of the Proceedings of the Assembly of His Majesty's Province of New Jersey, in relation to an Act passed there in 1743, for ascertaining the Fees to be taken by the sev^l Offices in that Colony.

On the 21. of October 1743, a Bill entituled, *An Act for ascertaining the Fees to be taken by the several Officers in the Colony of New Jersey*, was brought into the House of Representatives of the said Colony, where being unanimously agreed to, it was carried up to the Council for their Concurrence, who made several Amendments to the Bill, some of which the Assembly

objected to, and Committees of both Houses, were appointed to confer upon, and settle the same, which being done, the Bill was passed by the Governor, Council & Assembly with a Clause suspending the Execution of it until His Majesty's Pleasure should be known, notwithstanding which, the House of Representatives, with a design to defeat the true Intent and Meaning of the said Clause, did on the 5th of December following come to this Resolution, "That as there is no general Law for establishing Fees in this Colony yet in Force, it is the Opinion of this House that the Act entitled an Act for ascertaining the Fees to be taken by the several Officers in the Colony of New Jersey, passed by the Governor, Council and general Assembly this Session, as it has the Approbation of the three Branches of the Legislature here, ought to have a due Weight with the Judges and all others concerned and that they ought to take the said Act for their Rule to govern themselves by, until His Majesty's Pleasure be known concerning the same." And to the End that the said Act might be made publick for the Service aforesaid, they ordered it to be printed. The Governor alarmed at this unprecedented Behaviour & Proceeding of the Assembly, proposed to them, amongst several others the following Queries, viz^t by what Authority they took "upon themselves to say that an Act expressly enacted not to be in Force till the King's Pleasure is known concerning it, ought to be a Rule to the Judges & others to govern themselves by?"

And likewise, "By what Authority they order'd the same to be printed as a Rule for the Government of the People?"

To which Queries the Governor desired a direct Answer; Whereupon the Assembly came to the following Resolution, "That as this House only gave their Opinion of an Act which had passed the three

“Branches of the Legislature here, and have not
 “assumed to themselves any unaccountable Authority
 “they think themselves not accountable for that Opin-
 “ion, and that it is not consistent with the Honour
 “and Dignity of this House and the Trust reposed in
 “them, to give any other Answer.” This Proceeding
 of the Assembly induced the Governor to take Notice
 (in a Speech he made to both Houses on the 10th of
 December 1743) of the Assembly of the Assembly’s
 carrying that or any other Act into Execution, that
 had been Passed by the three Branches of the Legisla-
 ture with a Clause providing that the same should not
 be in Force till His Majesty’s Pleasure was known, and
 likewise told them that he hoped they would be more
 prudent than to make an order for printing the same;
 notwithstanding which at their next Session they car-
 ried their former Order into Execution, and a Copy of
 the Act was printed in the Votes of the House of
 Assembly of the 20th November 1744, for the purposes
 aforesaid.

Population of New Jersey in 1737-38 and in 1745.

[From P. R. O. B. T., New Jersey, Vol. V. F. 77.]

Number of People in the Western and Eastern Divisions of New Jersey, Taken by the Gov^r's Order in 1745. Also, Number of People in New Jersey, Taken in 1737-8.

The Number of People in the Western Division of the Province of New Jersey taken by order of His Excellency Lewis Morris Esq^r Captain General & Commander in Chief of the Province of New Jersey &c, in the Year of our Lord 1745.

| Counties | Males above 16 Years | Males under 16 Years | Females above 16 Years | Females under 16 Years | Quakers or Reputed Quakers | Slaves | | Whole Number of Inhabi- tants | Increase since 1737-8 | Decrease since 1737-8 |
|------------|----------------------------|----------------------------|------------------------------|------------------------------|----------------------------------|--------|---------|--|-----------------------------|-----------------------------|
| | | | | | | Males | Females | | | |
| Morris | 1109 | 1190 | 957 | 1087 | 22 | 57 | 36 | 4436 | 8080 | --- |
| Hunterdon | 2302 | 2182 | 2117 | 2020 | 240 | 244 | 216 | 9151 | 1565 | --- |
| Burlington | 1786 | 1528 | 1605 | 1454 | 3237 | 233 | 197 | 6803 | 239 | --- |
| Gloucester | 913 | 785 | 797 | 808 | 1436 | 121 | 81 | 3506 | 963 | --- |
| Salem | 1716 | 1746 | 1603 | 1595 | 1090 | 90 | 97 | 6847 | 184 | --- |
| Cape May | 306 | 284 | 272 | 274 | 54 | 30 | 22 | 1188 | --- | --- |
| Total | 8132 | 7716 | 7331 | 7308 | 6079 | 775 | 649 | 31911 | 11031 | --- |

*The Number of People in the Eastern Division of the Province of New Jersey taken per order
as on preceding page.*

| Counties | Males above 16 Years | Males under 16 Years | Females above 16 Years | Females under 16 Years | Quakers or Reputed Quakers | Slaves | | Whole Number of Inhabi- tants | Increase since 1737-8 | Decrease since 1737-8 |
|-----------------------------------|----------------------------|----------------------------|------------------------------|------------------------------|----------------------------------|--------|---------|--|-----------------------------|-----------------------------|
| | | | | | | Males | Females | | | |
| Bergen..... | 721 | 494 | 590 | 585 | ---- | 379 | 237 | 3006 | ----- | 1089 |
| Essex..... | 1694 | 1652 | 1649 | 1548 | 35 | 244 | 201 | 6988 | ----- | 31 |
| Middlesex..... | 1728 | 1651 | 1659 | 1695 | 400 | 483 | 396 | 7612 | 2848 | ----- |
| Monmouth..... | 2071 | 1975 | 1783 | 1899 | 3131 | 513 | 386 | 8627 | 2541 | ----- |
| Somerset..... | 740 | 765 | 672 | 719 | 91 | 194 | 149 | 3239 | ----- | ----- |
| Total..... | 6954 | 6537 | 6353 | 6446 | 3557 | 1813 | 1369 | 29472 | 5389 | 1120 |
| Total in both Divi- sions..... | 15086 | 14253 | 13684 | 13754 | 9036 | 2568 | 2018 | 61383 | 16420 | ----- |

List of Rioters in Essex County, 1745.

[From Papers of James Alexander in New Jersey Historical Society Library, Vol. 1]

A List of Rioters Indicted in Essex County
Quarter Sessions and Removed by Certio-
rars into the Sup^r Court the November
term following 1745

Nehemiah Baldwin
Joseph Pierson
Daniel Williams
Eleazar Lamson
Gamaliel Crane

A List of Rioters in Essex County Returned upon a
Record of View filed in the Supream Court Nov^r term
1745

| | |
|-------------------------------|-------------------|
| John Tompkins | Abraham Ritger |
| William Williamson | Ebenazar ffarrand |
| Stephen Young | Thomas Gardner |
| Job Crane | Robert Young |
| Thomas Sarjeant | Jonathan Squire |
| Robert Ward | John Vincent |
| Johannes Vanwinkle | Hendrick Jacobus |
| Thomas Williams | Joseph Lawrence |
| Levi Vincent Jun ^r | Samuel Crowell |
| Willam Crane | Samuel Stivers |
| Elihu Ward | |

Minutes of the House of Representatives of New Jersey, October 3d and 18th, 1745.

[From Printed Votes of the Assembly among Papers of F. J. Paris, Vol. P, No. 12.]

Thursday, October 3. 1745.

The House met.

Mr. Eatton from the Committee appointed to prepare a Draught of a Message to his Excellency, with leave delivered it in at the Table, and it was Read, and some Amendments were made thereto in the House.

And then the Question being put, whether the House agree to the said Message, (which immediately follows) or not; it pass'd in the Affirmative.

Ordered,

That Mr. Crane and Mr. Hancock do wait upon his Excellency, and acquaint him, that when Mr. Speaker acquainted the House with the Direction his Excellency had given him. That they should let him know when met, &c. It then became necessary to send their Message to the Place where his Excellency was; and that being many Miles distant from the Place of the Assembly's sitting, occasion'd their sending the Message with the particular Directions contained in it to their Messengers where to deliver it. That the House are sorry his Excellency's Weakness, with the Illness of his Lady, should hinder his meeting them at Burlington.

That however necessary the calling and keeping the Assembly together, at their last Meeting, might be, it had not, then, become the Subject of their Inquiry; therefore an Apology, to them, is unnecessary; Neither do they know, that either the House, or any of their Members, made Application to have their meeting put

off untill a further time. They were, then, in pursuit of a necessary Inquiry concerning their being remov'd from Amboy to Trenton (an unusual Place for Assemblies to sit in) as they apprehended very contrary to His Majesty's particular Commands. And the putting an End to that Enquiry, the House are apprehensive, might be a greater Inducement to his Excellency's Informers, for putting their meeting off untill a further Time, than any Regard they had to their private Affairs, altho' it was then Seed time. The Remembrance of the frequent Impositions of this kind, and His Excellency's so repeatedly receiving Informations from others concerning the Affairs of the General Assembly of this Colony, without taking their meaning from themselves, naturally puts the inquisitive Part of Mankind in Mind of a Remark of one of the Wisest of Rulers, *Prov. 29. 12. If a Ruler hearken to Lies, all his Servants are Wicked.*

The Assemblies of New-Jersey have not, hitherto, let their private Affairs (altho in them they have suffer'd deeply, for these several Years past, both in Seed Time and Harvest) hinder them from thinking calmly on the Publick Affairs. They did so in Trenton, when they passed a Bill for Support of this Government, wherein Provision was made for the several Officers of it: At the same Session they passed a Bill for settling the Militia of this Province, and one other Bill for providing Arms and Ammunition for its Defence; the compleating of all these was frustrated by the Council. This House have, since that, at Amboy, calmly considered the State of this Colony, and passed a Bill for the Support of this Government; which made the like Provision with the former; and one for settling the Militia, &c. wherein all the Provision for the Defence of the Colony was made, that could be made consistent with the Circumstances of it. These were made void by his Excellency's Prorogation.

And now, tho' they think very calmly and concernedly of their publick Affairs, they can't tell how to pass either of these, otherwise than they have heretofore pass'd them, untill they can obtain some Laws to enable them respecting the former, and Convincement in Judgment to induce them to alter their Sentiments respecting the latter: But as they told his Excellency at Amboy, so they are still willing to pass Bills of a like Kind, if those will be acceptable to his Excellency and Council, but not to make any larger Applications, untill they have a sufficient Encouragement for their obtaining those Bills they then mentioned to his Excellency: And this Opinion they are confirmed in by the General Voice of their Constituents, which they conceive ought to have some Weight with His Excellency. And as it gives this House great concern to find those Obstructions to the publick Business thrown in the Way by His Excellency and Council, still unremoved, so whenever they will be pleased to remove them, the House are ready and willing to proceed accordingly, untill that is done, they fear they shall but spend Time in Vain (as the Assemblies too often have done) in preparing of Bills at either their own, or the Country's Expence: They do therefore rather chuse, until then, to follow His Excellency's former Advice, to defer the preparing such Bills until some future favourable Opportunity, when Reason and Argument may have greater Influence.

The Assemblies of New-Jersey have always made ample Provision for paying his Excellency's House Rent, ever since he came to the Government, (tho' never done for any of their Governors before) and had, in each of the above mentioned Bills, made Provision as largely as ever, notwithstanding His Excellency has now given the House his Opinion, that is a thing independent of the Support of Government: When his Excellency will be pleased to convince this House, that

it is so, he will not find it any hard Matter to perswade them that they have nothing to do in providing for the Payment of it, for the future.

Whoever will take the Pains to read the Petitions, made to his Majesty for a separate Governor, and give themselves time to think, they will find they arose from the Necessity the Inhabitants were under, of having Acts of Government performed for the Ease and Relief of the People; and as this was the End and Design of the Petitions, so we have the greatest Reason to believe, from His Majesty's known Candour and Goodness, that it was the chief Inducement to him to grant their Prayers; and when his Majesty's salutary Intentions are answered by his Officers, the People will always exert themselves in keeping up their Salaries to the utmost, and sometimes even beyond their Abilities: But when they are so far disappointed of having those gracious Purposes complied with, that they are in a worse condition than formerly, being not only obliged to groan under their former Grievances, but the Addition of new and unheard of Perplexities, then will they make Use of their known Rights and Privilege allowed them by their happy Constitution, in judging according to Scripture and right Reason, that every Man ought to be rewarded according to his Works.

That the Law for settling the Militia of this Colony, pass'd by his Excellency in the Year 1738, is still in force till March next, and from thence to the End of the next Session of the General Assembly, which will in some Measure answer the Want of those the Assembly have so often endeavoured for, in order to put the Colony into as good a Posture of Defence as they could do, without being able to obtain them; but as no Endeavours of theirs have been wanting, all the ill Consequences that may accrue for want of a better Militia Act, they are humbly of Opinion, ought justly

to be charg'd to the Account of those who have so often frustrated the Good Intentions of the Assembly's.

As this Colony hath not (as the House can be informed) ever had anything to do in Indian Affairs (out of its own Limits) neither been partakers of the Benefit of their Trade, they make no doubt but the Treaty will be carried on to Satisfaction by those who are more immediately concerned in it than we are: And as their Commissioners are now meeting at Albany on a Treaty with them, wherein they are to have the Company and Assistance of Governor Clinton, whose prudent Conduct, with the Commissioners from the Neighbouring Colonies, the House doubts not will be sufficient to keep them in their usual Fidelity to his Majesty. But if it should happen, that those, or any other Indians, should make War upon any of the Neighbouring Colonies, this House will, as they have hitherto done, exert themselves to the utmost of their Abilities, to assist His Majesty and his Subjects against their Enemies.

That it is with concern they hear of the Riot committed at Newark, and with Abhorrence of all such Actions look on those who will not be Subject to the good and wholesome Laws of our Nation, as Enemies to the Common Good; nevertheless, as far as we know, the Laws now in Force are sufficient for the Punishment of those that are guilty of the Breach of them; and the House are of the Opinion, that all violaters of Laws ought to be very early brought to Justice; otherwise, as His Excellency very justly observes, the Infection will soon spread, common People will follow the Example of their Superiors, and hope for the like Impunity. Had those Magistrates in the County of Hunterdon, complained of by the last House of Assembly for their subverting a Law of this Province, met with a due Discouragement from his Excellency, it might have deterred others from attempting anything of that Kind. The executive Power of the

Law is entrusted with his Excellency, and only the Assistance in making them required of the Assembly; and when His Excellency will be pleased to point out to us, any Deficiency in the Laws for bringing to condign Punishment any of the aforesaid Offenders, it shall always have its due Weight with this House.

That we have the Pleasure to acquaint His Excellency, that we were the first of the Colonies (except those immediately concern'd in the Undertaking) that gave a Sum of Money to purchase Provisions for the Use of His Majesty's Subjects at Cape-Breton; and what we then gave was judg'd since (as we are inform'd) by our Neighbours to be in full Proportion with any of theirs; and we hope will be accepted as what we are at present able to do. This Colony, by Reason of the Expedition to the West-Indies, and the large Number since gone in the Privateering Service, is very much drained of Men, and the Season of the Year too far advanced for the raising them timely enough to be transported to Cape-Breton, were they to be had, and we of Ability to defray the Expence, which at present we are not: And as timely Intelligence was sent to His Majesty of that Acquisition, we make no doubt but that he will take the Place under his own Protection and send Men to relieve those that are there.

Friday, October 18th, 1745

The House Met * * * at two of the Clock in the Afternoon.

Mr. Secretary brought a Message from his Excellency, which he read, and then delivered to Mr. Speaker, and it is as follows, viz.

Mr. Speaker,

October the 18th. 1745.

I Received a Paper by Messrs. Crane and Hancock, which they said was a Message from your House,

which they declined reading of for Reasons to themselves best known; and which Men of any Modesty, tho' concerned in the contriving and forming of a Message of that Kind, wherein the Methods of common Decency have been so much neglected, had but two much Reason to do.

When the House presented you as their Speaker, you prayed, that the usual Liberties supposed to be annexed to that Station might be granted to you; and that the Members of your House might at all Times have free Access to me upon *urgent and necessary Occasions*. 2d. That if in any thing you should mistake or misreport any thing committed unto you to declare, that your unwilling miscarriage therein might be pardoned. 3d. That they might have Liberty and Freedom of Speech in whatsoever they might have Occasion to propound and debate in the House, &c. These Liberties &c. in Imitation of the House of Commons, were always asked, as they were by you, and always granted, both at Home and here: But *so as they were discreetly and modestly used*.

No Priviledges, either inherent or granted, can be construed to give either your whole House, or any Member of it, or any else a Liberty of using any indecent Expressions, or of vilifying the Kings Representative, or of abusing His Majesty's Council.

The Conduct of your House at their last Meeting shewed, that they had not made (as they tell me in their Message) what was recommended to them, at all the Subject of their Inquiry, and their not doing so, requires an Apology (tho' they say it doth not) for their great neglect in that Case; and the best they can make, is the heartily setting about, and effectually doing what was recommended to them, and needs so much to be done; and not the pursuing an Inquiry with which they have nothing to do.

They may see by the King's Letters Patent under

the Great Seal of Great-Britain, and upon Record here, that the Calling, Adjourning, Proroguing and Dissolving of General Assemblies, is a Power his Majesty has been graciously pleased to entrust with me; and Assemblies are bound on their Allegiance to obey. How far I may, or may not, execute these Powers, is contain'd in his Majesty's Instructions to me, which I have communicated to His Majesty's Council, one of the Parts that constitute a General Assembly, and who are the only Persons here that are to judge how far in that Case I have acted agreeable to His Instructions or not: But I do not think it for His Majesty's Service, to communicate farther than I have already done, an Instruction, or the Effect of it, to you, with which you have nothing to do; I being only accountable to His Majesty, if I should neglect His Directions to me, which I have not in any Case done that I know of.

Tho' the Members of your House might have spent their Time to much better purpose than trifling it away upon a needless Inquiry, yet I do not think it was any Motive to induce the Council (if they knew it) to advise the Adjournment or Prorogation of the House: It might indeed shew them, as it did every Body else that knew what they were about, (as I did not) the incurable Disposition the Majority of your Members are possessed of, to quarrel and jangle upon every Occasion; and industriously to seek for Opportunities, and make use of every Handle, to foment and increase that Difference between the Parts of the Legislature, themselves had so unwarrantably and unreasonably created, and leave no Method unessayed still to continue and promote. The Reasons the Council gave me for the Proroguing the last Meeting was the Necessity the Members were under of attending their private Affairs at home, it being their Seed-time; and therefore advised me to prorogue them to Bur-

lington. This was accordingly done, that they might then without further delay, enter and proceed upon the absolutely necessary Business they were called together for; which instead of doing of, they have, upon feigned frivolous pretences, avoided meddling with and left undone.

The Gentlemen of the Council, who advised this Prorogation, at a Time when the publick Affairs required so much the Members of your House being kept together, are Inhabitants of the Western Division, are Men who well know the Seasons of Seed-time, and are well acquainted with most of the Members of your House, especially those that are of the Western Division, and their Circumstances; and is it not more reasonable to believe, that they gave this Advice for the Reasons they say they did, and that it was agreeable to the Sentiments of Men they were so well acquainted with, than to suppose they did it, to put an End to an impertinent Inquiry, which could be of no good Use whatsoever, but evidently entered upon to distract the Minds of the People, and to prevent the House from proceeding upon any of the Matters then, and before that, recommended to them, tho' of the utmost Consequence to the Safety of the Province.

These Councillors are not my Servants, but his Majesty's, and is their any Reason, from this Advice, to conclude, that the Advisers are Lyars, and Wicked? Or that the Ruler hearkens to Lies, either from them, or any Body else? Expressions like these may gratify the malicious Temper of low Minds, unacquainted with the common Rules of Decency, and incapable of any thing above the Scum of the People; but will any Body, but such as themselves, say, that it is becoming the Representative Body of a Province to use such to the King's Representative, and with Respect to the Chief Magistrates of a Province? tho' ushered in by a Text of Scripture, in order to make the weak minded

among their Electors believe, that the Application of that Text to the Governor and Council is just; and to alienate [alienate!] their Affections from His Majesty's Government, and stir up Sedition amongst the People, upon no other Ground than the want of Shame and Manners in those that made Use of them.

The Remembrance, as they say, of the frequent Impositions of this Kind, and my repeatedly receiving Information from others concerning the Affairs of the General Assembly of this Colony, put the inquisitive part of Mankind in Mind of the Remark of Prov. 29. and the 12th. The Inquisitive and Ingenious part of Mankind are always capable of making suitable Remarks upon what occurs to their Observation; but that doth not give the Members of your House (who are by no Means intitled to that Character) a right to make Use of Scripture to abuse their Superiors; which no ingenious and honest Man would think there was Reason for doing on this Occasion.

In a late Address from your House, they call themselves Plowmen: To such, Language of this Kind may not be disagreeable; and from such, remarks of this Kind not unexpected, as being most suitable to Men of such Characters: But the Wise Son of *Syrach* is far from reckoning such among the inquisitive Part of Mankind; or Men supposed capable of knowing what the inquisitive Part of Mankind would do in the 38th Chapter of Eccl. the 25th, 26th and 33d Verses.¹

Pray what are the frequent Impositions of this Kind that they remember so well, and my repeated receiv-

¹ A note is here appended in the handwriting of Samuel Nevill:

"25. How can he get Wisdom that holdeth the Plough, and that glorieth in the Goad, that driveth Oxen, and is occupied in their Labours, and whose Talk is of Bullocks.

"26. He giveth his Mind to make Furrows, and is diligent to give the Kine Fodder.

"33. They shall not be sought for in Publick Counsel, nor sit high in the Congregation; they shall not sit in the Judges Seat, nor understand the Sentence of Judgment; they cannot declare Justice and Judgment, and they shall not be found where Parables are spoken."

ing Informations from others? Let them give some Instances at least of these so frequent Impositions, if they can, for I remember none of them; and am so well acquainted with the Nature of Assemblies, and of this in particular, that I need no Information from themselves, or any Body else, concerning them.

I do remember a Complaint of this Kind was made by the present Members of your House when they sat last at Amboy, upon as groundless Pretences as now; upon which I shewed from their own Minutes, that they referred to, that I had my Informations from their Minutes concerning their Conduct. These were two notorious to be denied; and with much ado got entred in their Minutes, tho' not in the right Place.

By these Minutes it appeared, and always will appear, while those Minutes (or Records if they please to have it so) remain, That the Difference now subsisting arose solely from the House of Representatives themselves, and was of their own seeking, unprovoked by me, and at a Time when I had granted them all they desired; and all things then seemed to tend to Peace, and a happy Settlement of the Publick in the Opinion of all, except such who were resolved to quarrel at any rate, and run the Province into Confusion.

This Conduct was two notorious to be denied, and too gross to be palliated; and the present House of Representatives, whose Members chiefly consist of the same Men that so industriously raised and promoted that Difference, and who still promote it to the utmost of their Power; was so unable to deny a Truth so well known and evident, that in their Address to me, they desired to be excused answering what I had said, on the Pretence, forsooth, of their being Plowmen, and not furnished with sufficient Talents for Controversy.

When I moved the Assembly from Amboy to Burlington, (out of its turn) it was at their own desire: This came indisputably from themselves; they became

Petitioners to me for doing so, and to induce me to do it, made large Promises in their Address to me, not one of which they have complied with; and as it appears by their Conduct, never intended to comply with any of them: This shews what Opinion the World ought to entertain of the Truth and Sincerity of those great Pretenders to both.

When I was at Burlington, I was suddenly taken very Sick, which confin'd me several Days to my Bed, and made my removal to my House at this Place necessary, where I was confined to my Bed and Chamber in great Pain the greatest Part of the Winter, and reduced almost to a Skeleton; as I am now by this last Illness. This made the adjourning the Assembly to Trenton, about a Quarter of a Mile from this Place, necessary; in order to finish the Business then before them, and make good the Promises made to me in their Address, if they had any Intentions of doing it. This is a Fact known to all, and shew'd the Reason and Necessity of moving the Assembly at that Time to Trenton. There several Bills were passed by the House, and one in particular to make current £. 40,000 in Bills of Credit; brought in with a pompous Preamble for the Reasons of doing it, viz. Building a House for the Residence of the Governor: A Place for the Meeting of the Council and Assembly; and for keeping of the Secretary's Office. These they well knew were good Reasons for making of such a Bill, and much wanted: But as there were no enacting Clauses, either in this Bill, or any other, for doing any thing of this Kind, it shews they never did intend to do any Thing of that Nature, and that this Preamble was mere Pretence, introduced with a View to induce the Council to pass the Bill as it was then drawn; but they did not pass either that or the other of their Bills, for Reasons they have assigned and are publickly known. The Council refusing their Assent, the Assembly then pro-

ceeded to a Bill for the Support of the Government, in which they lessened my salary one half, and the Chief Justices three Fourths, and cramp'd most of the Officers, of the Government in their Sallaries: So that the Support of the Government was reduced to about the one Half of what was usually applied for that Purpose.

This, they knew, neither would, nor could be assented to by the Council, as very insufficient for the Purpose; and all the Reason they assigned for this Conduct was, That Ways had been thought of to influence the Council to reject their Bills. The Council have undoubtedly a Right to approve or disapprove any Bills sent to them by that House; as is owned, and that whether influenced by Ways, or Reasons thought of by themselves, or any body else: But if they Exercise this Right, which it is on all Hands agreed they have a Right to do, your House is resolved not to support such a Government.

This shews, that notwithstanding the Address of that House petitioning to be adjourn'd to Burlington, and the Promises made in it, That the Majority of the Members that made it, met at Burlington predetermined not to comply with any of their Promises; nor to support the Government, or provide for its Defence by a Militia Act, unless the Council and my self assented to the Act for making £. 40,000 Current in Bills of Credit, and such other Acts as they had proposed, and in the Manner they had drawn them.

Upon this, that House was dissolved, and the Present chosen, which consist chiefly of the same Men, and possess'd of the same determined Resolutions; and accordingly, during the Time of their last sitting at Amboy, industriously fought, and readily laid hold of any Pretence that gave them the least Handle to dispute and differ; so that the Time there, was chiefly spent in Wrangles and Disputes, that should have

been employ'd to much better purpose. At last at a Conference with you the Speaker. and some Members deputed by the House, the true Reason of all these Delays and little Crafts to avoid doing what they were called together for, came out; and that was, they wanted (as they called it) Encouragement: And the Encouragement they wanted was, a Promise that the Bill for making £. 40,000 in Bills of Credit, and two more they named, should pass into Acts.

They did not pretend an Inability to support the Government, the Contrary being evident, and Money sufficient lying dead in the Treasury for that Purpose, but told me, the House would *willingly* support the Government with Sallaries as large as any had been given during my Administration, on Condition they could obtain these Acts; and after that sent me a Message, saying, They had solicited *me*, and that the House would willingly support the Government with Salaries as large, &c. on *condition* they could obtain these Acts. They add, what was not mention'd before, viz. That would *enable* them to do it in a Manner they *could approve of*; What that Manner would be, I know not; tho' from their pass'd Conduct, it is not very difficult to guess. But the Messages then, and now sent to me plainly shews, that the passing the Bill they sent up, both by the Council and my self, and in the Manner they have drawn it, to make £. 40,000 in Bills of Credit is a *condition* of supporting the Government, a Condition which if not performed, they declare will not support the Government in the usual Manner even for a single Year.

They say, they shall be enabled to support the Government by the having that Act in a Manner they could approve of: But pray what Manner is that? Would the Government have any greater Security than it has already of being supported? Or is there anything to be gathered from their past Conduct of their supporting the Government as they ought?

When the Act was in Agitation against bringing Actions under Fifteen Pounds into the Supreme Court, they were so sensible that it abated considerably of the Perquisites of the Chief Justice, that they consented to add to his Sallary in Consideration of that Abatement; but notwithstanding, when they had by that Means obtained the Act, they soon after took off that Part of his Sallary, and more.

However essentially necessary they call, or think their favourite Bill for making £. 40,000 current in Bills of Credit, the Gentlemen of the Council, who know as much of the Matter as your House do, and have as great a Right to think and Act in Legislation as they have, think that Bill to be neither necessary nor convenient, but the Contrary, and accordingly refused their Assent to it, as they have to your other Bills. But supposiug they should be so far influenced by your Clamour, as to assent to such Bill, or to that Bill, what Security has the Government of being better Supported than it was before?

You may call any Bill that you think fit to propose, essentially necessary, and refuse to support the Government if not assented to, as well after that Bill is passed as before; and as Things are Circumstanced, if the continue so, your House will always have the same Means in their Hands, and it is not impossible to suppose they will make use of them for the same Purpose.

In a Message of, I think the 27th of May last, your House say, that they are determin'd to assent to no larger Applications until you can have an Assurance of obtaining some Acts they think they have a *right* to, one of these is the Act to make £. 40,000 in Bills of Credit.

It is a Point disputed whether any Man, or Authority, can oblige a Man to take a Piece of Paper, of not a Farthing Value, for the Value of One Shilling

or Five Pounds in Silver: But pray how came your House by the Right of making these Bills themselves, or having them made for them?

When I called you to this Place, instead of meeting you at Amboy, I told you the Reason of my doing so was my not being able to attend at Amboy: The Thing was evident to yourselves, and all that saw me; and the necessity of your Meeting here, or not at all, being self evident; there was no need of the formality of calling the Council, could they be easily got together (as they cannot) to give an Advice, which of Course would have been given, as will appear by what Advice has been given on the present Meeting here by His Majesty's Council, who are the only Persons concern'd to advise in this Case; but their Advice is but Advice, and of no greater Authority; and tho' I always have, and always shall be, glad of receiving it when I can get them together, or the smallest Quorum of them, and pay a great Regard to what they do advise; tho' it is no easy Matter to get them together, there being no Provision made to defray the Expence of their Attendance; yet if I should take upon me to act without, or even Contrary to their Advice, His Majesty, upon seeing the Reasons of my doing so, is the only Judge whether I am blameable or not: But not your House, or any Member of it, to whom I am no Ways accountable that I know of.

By your Message to the Council, your House demanded of them to know whether you were adjourn'd from Burlington to Trenton by their Advice, or not? The Answer to this Question being capable of being made by you a pretence and precedent for demanding in any Case, an account of what Advice they gave the Governor; and the Demand being made probably more with that Intent, than to know whether they advised so or not, (which they conceived your House had nothing to do with) They judg'd it by no

Means adviseable to give you any Satisfaction on that Head, least it should be, in Times to come, made use of as a Precedent; being dangerous in its Consequences, because you, or future Assemblies, might in any other Case, demand whether the Council advised so, or so, or not, and if refused to be answered, afford a Pretence of Difference.

Tho' your House might make that Demand with such an Intent as well as with other Views; yet I, who by their pass'd Conduct well knew they were capable of making any thing a pretence, and would do so, to avoid what was required of them, did (as much as I could to prevent their doing so) permit the Secretary to shew to the Speaker and some of the Members what Advice was given me on that Head: He accordingly informed the Speaker of this, who, with three other Members, came to the House of Mrs. Loveland and there the Secretary laid the Council Book open before them, and pointed to the side where the Advice was written: One of them seemed to read it cursorily over, and all of them might have read it if they would. But one of them ask'd the Secretary, whether the Governor had ordered him to shew it them, that they might enter it on their Journal? or Words to that Effect. The Secretary reply'd, that he had no Orders to that purpose; but was permitted by the Governor to shew it them, that they might (as the Secretary supposed) be satisfied that he had called them to Trenton by Advice of Council, and upon their declining to look into the Book more than had been done, he took up the Book and left them.

Tho' most believed they well knew they were called to Trenton by Advice of Council, yet this shews, that they not only did not want any Information of this Kind, but that they refused to receive it when they might have it: and that all the Clamours they make on this Head, are groundless and unreasonable, as well as

untrue Pretences, to avoid supporting the Government, or providing in any Case for its Defence; they being determined, as appears by their Messages, not to consent to a larger Application of the publick Money to the Support of the Government than what they there mention; which they know will neither Answer the End of supporting the Government, nor can be accepted as sufficient for that purpose; and by this Method entertain the vain Hopes of compelling the Governor and Council to assent to their Bill as they have drawn it. of making Forty Thousand Pounds current in Bills of Credit; and this they may do on any other Occasion, as well after such a Bill passes as before, whenever the Council or my self refuse to comply with Demands or Proposals either of us think unreasonable or detrimental to the Publick. Of this Nature is every Thing else they have said, mere Pretences, and very weak ones, to avoid doing what was recommended to them, unless they have Forty Thousand Pounds in Bills of Credit.

These Men (tho' they cannot bear to be told of the evident Miscarriages of former Assemblies) have unreasonably clamour'd in several successive sittings, because the Justices of Hunterdon were not prosecuted, when they well know I never hindred them from being so. I took much Pains in a very weak Condition (as I am at present) to set that Matter in as clear a Light as I then could do, and the Law was open to any Body that thought themselves agrieved to prosecute them if they thought fit, and it is still: But why they should be displaced upon the Suggestion of a few Petitioners, till they were convicted of having done something to deserve it, or prosecuted at the Charge of the Government, or at my own private Expence, especially since there is not any Support of the Government, nor is not, nor never was since my Administration, any Fund appropriated for to defray

the Charge of that or any other Incident, your House has never yet shewn me, nor I believe never can! But if your House, who have taken upon themselves to determine, that these Justices have subverted the Law, or any of your Members, are inclined to prosecute them in a Court of Law, they are at Liberty to do so; for there only it can be legally determin'd, whether they have subverted the Law or not. This you have been told more than once, but resolve to make use of any Pretence, however groundless, to continue your Clamours.

The Laws are sufficient to punish Rioters, or other offenders: But neither the present Militia Act, nor any that you have attempted to make, are sufficient to quell a Riot of this Kind, or perhaps an Insurrection, for which force may be necessary; which cannot be continued without some Provision to support them; nor can the Officers and Courts necessary to convict them, attend that Service, without Sallaries, or some Provision, to defray the Charge of Prosecution, which are not provided, nor, as appears, intended to be provided for by your House.

The Petitions for a separate Governor are known, as are the Reasons for making them; which were, that the Governor generally resided at New-York, and often preferred the Interest of that Province to the prejudice of this; that his Absence occasioned almost an intire neglect of the Affairs of this Government, and great Delays in the Administration of Justice, both in Causes depending before him in Chancery, and before him and the Council on Writs of Error: And whoever reads these Petitions, will (from your Message) conclude, that your House never did. Do you *groom* under these Grievances now? or did you at any time since my Administration? Have I been out of the Government at any time since I came into it, unless a small Time at first to provide for the Removal

of Wife and Family into this Province? Has there been any unreasonable or great Delays in Causes depending before me in Chancery, or before the Council and my self on Writs of Error? Say if you can; for these were the Matters complained of. What Act of Government has been refused to be done, for the Relief of the People? You ought at least to have mention'd one among this heavy Load of Grievances that you groan under: But all this Noise of Grievances, this refusal of Acts of Government for the *relief* of the People, upon Examination, will amount to no more than the Council's denying their Assent to your Bill to make Forty Thousand Pounds, and this only is evidently meant by what they say.

Tho' you never had, or never should have, any thing to do with the Indians out of your own Limits, or the People of Albany, yet (as an Indian War is not unlikely) Care should be taken to provide for the Subsistence of a Force to protect our back Settlements, in case it should happen: But it seems nothing is to be done, tho' absolutely necessary without Forty Thousand Pounds in Bills of Credit being made Current.

You excuse the not giving Aid of Men to Louisburg, because the Province is drain'd of People by Privateering: Few went a Privateering from this Province, and notwithstanding the pretended Diminution by Privateering, or the real Number of three full Companies of 100 men each that went to Carthegena, the Province is so far from being drain'd of People, as you pretend, that by the Accounts now brought me in of their Numbers, there are above Sixteen Thousand souls more than there was in the Year 1737-8 or 1738, when they were last numbered; so that what your House take upon themselves to assert, appears a poor Excuse, without the Foundation of Truth to support it.

LEWIS MORRIS.

Then Mr. Secretary read a Prorogation under the

Great-Seal of this Colony, whereby the General Assembly stands Prorogued to Tuesday the Nineteenth Day of November next, then to meet at Trenton.

A Brief Vindication of the Purchasers against the Proprietors, in a Christian manner.

[From Papers of Ferd. J. Paris in the New Jersey Historical Society Library, Book P, No. 3.]

A | BRIEF VINDICATION | of | THE PURCHAS-
SORS | against the Proprietors | in | a
CHRISTIAN MANNER. |

[iii] *The Preface to the Reader;*

I Have presented a Letter to thy Views, hoping that thou wilt seriously consider the Reason for so doing; as every private Man has a Talent committed to his Charge, at least one, and he will certainly and undoubtedly be called to give an Account, how and in what Manner he has traded with the same, whether he has improved it to his Master's Advantage, or his own; And likewise I tell thee Reader, That I have no Hatred against any Persons whatsoever, for I could heartily desire that all Men might be saved; yet this is what I have to say, that I have more Charity for some, than I have for some Others; Our Lord and Master *Jesus Christ* had three Favourites, [iv] *Peter, James and John*, and of these Three *John* was the Darling. *He was the Disciple whom Jesus loved*, with a peculiar Love, and was admitted to lie in his Bosom; for in my Letter, it may seem to some Persons, that I have spoke more in Favour of one Party, than I did in the other; but I would have thee to consider, if I should vindicate any Manner of Persons in willful Sins I should become

their utter Enemy, and for that Reason I vindicate none but what is agreeable to the Gospel, and so I desire of thee, That thou would'st not look on the Weakness of it, but mind the Intention and Manner of it, and so I would have thee observe these Rules; first believe thy self then to be no less accountable to GOD for such Sins of thy Thoughts, than of thy Words and of thy Action; *Eccl. xii. 4. God shall bring every secret Thing into Judgment, whether it be good, or whether it be Evil.* Secondly, Think Contentment to be the truest Riches, and Covetousness the greatest Poverty; he is not Rich that hath much but he that has enough. That Man [v] is poor that covets more, and yet wants a Heart to enjoy what he has already. 3dly Think it not Part of thy Bussiness curiously to search into other Mens Lives, but narrowly to inspect the Error of thine own; it is much better to amend one Fault in ourselves, than find out an hundred Faults in another; *Fourthly.* Think it a greater Virtue to forgive one Injury, than to do many Kindnesses, because it is harder, and more against Nature? But let not the doing of one hinder thee from doing the other, for both are Necessary. *Fifthly.* Think him no true Friend whom one Injury can make thine Enemy; he must have no Friends that will have a Friend with no Faults.

And also consider this further, that our Tongue is our Glory, the Index and Expression of our Mind and Thoughts, the Instrument of our Creator's Praise; and there is no Subject so sublime and honourable for the Tongue of Man to be employed about, as the Word and Works of God. There's a great difficulty in governing the Tongue, it being a proud and active Member, and therefore the Scripture places much Religion [vi] in bridling of the Tongue. *James i. 26.* It is the great Wisdom of a Man to know when, and What to speak; how and when to be silent, for a Man may Sin

both Ways, by over much Silence, as well as by over much speaking. Wo be unto us if we want a Tongue to publish God's Truth, to plead God's Cause, to vindicate God's Honour, and to sound forth God's Praise. Yet place not Religion in Talk only, nor Measure Goodness by good Words; 'tis much easier to Talk like a Saint than to be one. If thou canst not speak well of thy Neighbour, be silent, except the Glory of God, and the good of others oblige thee to Speak. And now Reader consider is here any thing contrary to thy Opinion, take care and do not abuse the Word, least thou come short of that Glory, which shall be made Manifest for nothing is more certain than Death to all Men. But how dreadful will death be, when it comes to be death Eternal.

And now Reader thou dost find here some few Verses presented to thee, with an Intention to soften thy Heart, before thou readest the main Intention of my Letter, and likewise a few Ejaculation as in the latter End.

[vii] *A Song of Praise to God.*

I.

How Glorious is our Heavenly King
Who Reigns above the Sky!
How shall a Man presume to Sing
His dreadful Majesty?

II.

How great his Pow'r is, none can tell,
Nor think how large his Grace;
Not Men below, nor Saints that dwell
On high before his Face.

III.

Not Angels that stand round the Lord,
Can search his Secret will;
But they perform his Heavenly Word,
And Sing his Praises still.

IV.

Then let me join this Holy Train,
And my first Offerings bring;
Th' Eternal God will not disdain
To hear an Infant Sing.

V.

My Heart resolves, my Tongue obeys,
And Angels shall rejoice
To hear their Mighty Maker's Praise
Sound from a feeble Voice.

[viii]

SONG. II.

Praise for Creation and Providence.

I.

I Sing the Almighty Pow'r of God,
That made the Mountains Rise,
That spread the flowing Seas Abroad,
And Built the lofty Skies.

II.

I Sing the Wisdom that ordain'd
The Sun to Rule the Day;
The Moon Shines full at his Command,
And all the Stars obey.

III.

I Sing the Goodness of the Lord,
That fill'd the Earth with Food;
He form'd the Creatures with his Word,
And then pronounc'd them good.

IV.

Lord, how thy Wonders are display'd
Where e're I turn mine Eye!
If I survey the Ground I tread,
Or Gaze upon the Sky.

V.

There's not a Plant nor Flower below,
But makes the Glories known;
And Clouds arise and Tempest blow
By order from thy Throne.

[ix]

VI.

Creatures (as num'rous as they be)
Are subject to thy Care;
There's not a Place where we can flee,
But God is present There.

VII.

In Heav'n he Shines with Beams of Love,
With Wrath In Hell Beneath;
'Tis on his Earth I Stand or Move,
And 'tis his Air I Breath.

VIII.

His hand is my perpetual Guard,
He keeps me with his Eye,
Why should I then forget the Lord,
Who is forever Nigh!

SONG. III.

The all seeing God.

I.

Almighty God, thy piercing Eye
Strikes thro' the Shades of Night,
And our most secret Actions lie
All open in thy Sight.

[x]

II.

There's not a Sin that we commit,
Nor wicked Word we say,
But in the dreadful Book 'tis Writ
Against the Judgment Day.

III.

And must the Crimes that I have done,
 Be read and publish'd there,
 Be all expose'd before the Sun,
 While Men and Angels hear?

IV.

Lord, at thy Foot ashamed I lie,
 Upward I dare not look;
 Pardon my Sins before I die,
 And blot them from thy Book.

V.

Remember all the Dying pains
 That my Redeemer felt,
 And let his Blood wash out my stains,
 And answer for my Guilt.

VI.

O may I now forever fear
 T' indulge a Sinful thought,
 Since the great God can see and hear
 And Write down every Fault.

[xi]

SONG. IV.

Solemn Thoughts of God and Death.

I.

There is a God that Reigns above,
 Lord of the Heav'ns, & Earth & Seas:
 I fear his Wrath, I ask his love,
 And with my Lips I sing his Praise.

II.

There is a Law which he writ,
 To Teach all what we must do;
 My Soul to his Command submit,
 For they are Holy, Just and True.

III.

There is an Hour when I must Die,
 Nor do I know how soon 'twill come;
 A thousand Men as young as I
 Are call'd by Death to hear their Doom.

(1) A Brief Vindication, &c.

To the Inhabitants of Newark, and The rest of the American Brethren; sendeth, these few Lines Greeting; Hoping by the Blessing which is in Christ Jesus that you will give your Attention. Now, as every Man that is born of a Woman ought to consider, that there is Nothing concerns a Man so much as the Salvation of his Soul, this is the Thing in Hand to consider; methinks, according to the Ways and Manner of acting at this present Time, there is but little, or very little indeed that takes Notice of this great Work of Salvation; there is a (2) Heaven of Happiness before us, and also a Hell of Tormenting, and yet we live in this World as if this was false, and a lie too; as it may be seen in a plain sight to those that's true to the eternal King of Heaven, and he that walks willfully contrary His rule can't be look'd on no other but as bastardly Broodes; for Reason itself against us, that those are Enemies to the God of Truth, and then consider first. There is one Thing needful to every Man's Salvation, and that is this, Namely, a right Knowledge, a right Faith and a righteous Life; Knowledge is the Foundation of our Faith, and Faith the Foundation of our Obedience, and Obedience the condition of our Happiness; for although a Man may know the Will of God, and not do it, yet he can never do it acceptably and not know it. A wilfull ignorant Man can neither serve God, nor be saved by Him. And this I suppose you'll all agree to believe, but not to perform and practice the same; And so I beg leave, if pleaseth to .

give me this Liberty by sending this Letter (3) among you, hoping you'll consider the great Talent that is committed to you by our Lord and Master Jesus Christ, and likewise to consider who he is, and what he has undertaken for us, by giving his revealed Will unto us Christians to work thereby, for he gives us this Charge; *Occupy until I come, or else hold fast which thou hast, until I meet thee again at the Day of Judgment.*

And now comes the second Cause to consider, and I hope you'll not be forgetful Hearers, this is the Council of every godly Man? Be strictly Just in all thy dealing with Man, and think not thy self discharged from the Duty of Righteousness towards thy Neighbour by any extraordinary measure of pretended Zeal and Piety towards God, for all such pretences to Piety are but Hipocrisy, if Men be not really Honest as well as seemingly Devout; for Dishonesty and Unrighteousness will certainly shut Men out of Heaven, as well as Impiety and Prophainess. *I Cor. vi. 9.*

(4) The third Consideration in Hand; Be covetous of nothing but of doing Good, and Prodigal of nothing but of good Council, remember also thou Reader, that readeest these Lines, that the fourth Cause is next.

Unwillingly undertake a Suit of Law, and most willingly make an End of it, chuse rather to buy Quietness with some Loss, than Gain much by Strife and Contention; for going to Law is one of those lawful Things, which is very difficultly manag'd without Sin, 'tis rare if a Man wrongs not his Soul by righting his Estate; which brings me on the full of my Intention, but few Words is necessary to consider. First, Perhaps some will object and say, it is not for Men of a private Capacity to dispute but obey; well, then I look upon this obedience to be the rule of Life both Body and Soul; and then to consider who is this obedient Person? Now comes the Question, and this is

the Matter in Hand: You may see with a clear Sight that there is Envy, Revenge and Malice brought into this (5) Town of Newark, and when these Guests comes, the Devil comes too, and when these comes into Being 'tis a hard matter to drive them out, and when these Evilers remains, there is no Duty, no Praise to our Creator. And it thence is Duty upon Duty heaping up vast number of Duties, but little or not all dutifull. For what was he the better for sitting with Christ at the Passover when his Heart was on his Money, it was his Sin of Covetousness that made him sell his Master that innocent Son of God, and then the best Ease he could get was to Hang himself; a woeful Remedy indeed! Which brings me on to shew you, that Coveteousness was the beginning of this misrule and mistake that has happened among us.

But first, I hope you will bear a little with me in my Folly and consider this. It seems to me that many Men think, if he can perform some formal Service, after he has committed some great Crime, that God is at Peace with them without Heart breaking, Faith or the Spirit, draw (6) a Skin over their Hearts, and then there is Peace for a Time, others, whose whole Life was spent in Oppression, and every Penny worse got than other, if about the Time of their Death they persuade their own Conscience by saying or framing a Prayer, they have Peace without any Satisfaction or Retribution according to the Law of Repentance. What they have wickedly got, they leave to their Heirs, who are made happy by their Fathers going to the Devil as the Proverb Saith. They never loosed their Bonds of Wickedness, and now Chained in the Bonds of Black Darkness for ever. What Numbers of Ruffians there is in the World, Contemners and Prophaners of the Lords Ordinances, Scorners of Religion, out facers of Godliness, whom the Lord hath shut Heaven against, go on in a graceless venturous Pre-

sumption, by this guile of the Heart (coveteousness) kept from seeking Peace with God in Season, though the Lord says; Hell was made for them, they say, I shall Escape Hell? Whether of (7) these Words shall stand; they think nothing more easie than Repentance. This Sin if I do it, is not unpardonable, I shall repent and find forgiveness hereafter, God calls at all ours: So he neglected all Council; Those exhortations come not near him, *Seek the Lord while he may be found to Day if ye go will hear his Voice, &c. I gave her a time to repent, but she repented not. The Lord would have Purged them, but they would not be Purged;* till his Severity suddenly cut them off as unprofitable Servants. Would a Man be so careless of his Body, as to suffer a Disease to prevail by Weeks and Months together; because, so long as there is Life he may seek help and recover? No, he will presently seek help and recover, be he never so Young but for the Soul, Men put off from Age to Age, and because they can repent hereafter, they will do that whereof, they may repent: And whereof indeed they shall repent, though too late. After Sin, the guile of the Soul is not Sleeping, though the Conscience often (8) be; for whereas after Bodily harms Men are for the most part Wiser, here they are more Foolish, unless the Deceit be more timely discovered; the Truth is, if every Sin might be seen in it's own Colour, it would be as Black as a Devil. But that Sin might go down the Cleanlier and stay in the Bowels, the Heart is not backward to join with Satan in the Varnishing and Colouring of it. Hence it is that Cut-Throat Coveteousness goes masked under the Habit of good Husbandry: and all other Black Vices are grown near of Kin to the most beautiful Virtues. The wicked hark! can defend it: All Eves brood suckt this from her; When *God* came to her, the Serpent gave her to Eat, when he comes to Adam, his Wife gave him to Eat, it

seemed but reasonable when he comes to Cain, who made him his Brother's Keeper? Come to the Covetous Man, he hath Scripture for himself, he that provides not for his Family is worse than an Infidel, come to the Drunkard? why, was not Noah (9) Drunk and many good Men besides; come to the Swearer, he is safe, so long as he Swears nothing but the Truth, and by that which is good, be it Bread, or Fire, or Salt, for his false Heart, tell him God is Merciful? come to an Atheist, that never kept the Sabbath in all his Life; so that with him there is but little difference between it and another Day of the Six: why? Was not the Sabbath made for Man and not Man for the Sabbath, he can serve God on his Horse-back none but he and his Horse together: Another tells us, how the best Simmeth seven times a Day. This is Sin grown Witty and Strong within the Wall of a false Heart and fears no Colour nor Forces. Again, when a Man is a vile and a wicked Person in God's Eyes, this guile of the Heart makes him think himself highly in Favour with God, *Job. --8 The Jews bragged they were the Sons of Abraham, when Christ told them they were of their Father the Devil.* The Pharasee could say, *Lord, I am not as this Publican,* when he was a (10) Limb of the Devil. And this guile is fed by sundry delusions: As *First*, by a conceit of Righteousness; while Men Measure themselves with themselves, or with some great Sinners, as they suppose; so did the Pharasee; Or by the crooked Rule of civil Righteousness, the common Speech is now, I am No Swearer. No Thief. No Drunkard. No, I would not for all the World be so bad as some of those Professors, so Covetous, Contentious, such a Dissembler: So for outward Righteousness, as the Pharasee looked at the Law, he paid Tiths of all, and dealt justly these pay Tiths, and does truly give every Man his own, keep their Words, are good the Poor, keep good Hospitality. But all

this while are Alive (as Paul saith) without the Law, not considering what Righteousness God there requires, and not seeing the Corruptions of their Hearts, neglect inward Lusts, rising up against God and his Laws. When only is it, that Poor Men, who live in the Breach of all Gods Laws, despise (11) the Word, neglect Prayer, Prophane the Sabbath, Swear without Sense or Touch, and serve their Lusts, yet can carry all with this Conceit, they mean no harm; whereas if God ever open'd their Eyes to see their Faces in a true Glass, they shall see how Sin decieved them, and shall pronounce the Sentence of Death against themselves, and the Flower of Righteousness.

(The Heart) it will make a Man outwardly seem a true Worshipper of God, it will bring the Body, and frame it to Reverence, when there is none within; it will make the Lips draw near, when the Heart is far removed; it makes Congregations and People sit before God, when their Hearts after their Covetousness. Idols in Churches are put down, but Idols in Mens Heart are set up: And this is the Reason why the Word and Prayer are so sorrowless; we have Mens Bodies now and then say's the Preacher, but seldom or never their Hearts. Yet we can shew the Shell of any Duty, but never (12) cares for the Kernell Inwardly it can Counterfeit the most Excellent Graces; as *First*, Faith, when it hath never a Jot; it will presume of God's Mercy and think this Presumption Faith. What Man saith not, he believes that he shall be saved? But all Men have not Faith, saith the Apostle: Therefore it is a Shadow without Substance. Oh! Dreadful Sirs, to be in this World without Faith, *Is dreadful indeed.*

Now comes another Cause to consider, which is Love, our Lord and Master Jesus Christ gave us a precept in Mat. xxii. 39. that we should love our Neighbours as our Selves, and by this Precept shall Men find whether they are Christ's Disciples or not, as

it is to be seen in Job. xiii. 35. By this shall all Men know that ye are my Disciples if ye love one another saith our blessed Saviour. — Again, Love, where is nothing but Devilish Malice.

Neighbours are fallen out, and are at Deadly hatred, at the Time of the Sacrement, both of them dissemble Love & (13) Charity: But after it, they are as Malicious and Mischievous as ever they were before.

Now Men and Brethren I hope you will not take it amiss of me by sending this Letter among you, whatsoever I say to you, I say also to mine own Soul; and so I shall come a little closer to the Matter in Hand by taking hold of some Steps by the Way the wise Man even Solomon hath put down several Precepts for we Christians to learn the Method of Christianity, and so I shall Produce some of them to your View, Prov. xiv. 31. He that oppresseth the Poor, reproacheth his Maker: But he that Honoureth him, hath Mercy on the Poor. xv. 1. A soft Answer turneth away Wrath, but grievous Words stir up Anger, 10. Correction is grievous unto him, that forsaketh the Way: And he that hateth reproof, shall die, 11. Hell and Destruction are before the Lord: How much more then, the Hearts of the children of Men, xxi. 2. Every way of a Man is right in his own Eyes: But the Lord pondereth the (14) Hearts, 3. To do Justice and Judgment is more acceptable to the Lord than Sacrifice, 13. Who so stoppeth his Ears at the Cry of the Poor, he also shall cry himself but shall not be heard, chap. xxviii. 1. The Wicked flee when no Man pursueth, but the Righteous are bold as a Lion, vers. 3. A poor Man that oppresseth the poor, is like a sweeping rain, which leaveth no Food, vers. 4. They that forsake the Law, praise the Wicked; but such as keep the Law contend with them, vers. 22. He that hasteth to be rich, hath an evil Eye, and considereth not that Poverty shall come upon him, chap. xxix. 2. When the Righteous are in

Authority, the People rejoice; but when the Wicked beareth Rule, the People mourn, vers. 4. The King by Judgment established the Land; but he that receiveth Gifts overthroweth it, vers. 7. The Righteous considereth the Cause of the Poor, but the Wicked regardeth not to know it, vers. 14. The King that faithfully judgeth the Poor, his Throne shall be established forever. chap. xxvii, 3, 4, 5, 6. A Stone is heavy, and (15) the Sand is weighty; but a Fools Wrath is heavier than them both. Wrath is cruel & outrageous; but who is able to stand before Envy. Open Rebuke is better than secret Love. Faithful are the Wounds of a Friend; but the Kisses of an Enemy are deceitful.

Well then, I hope you will consider of this, and take your Hearts into Talk, by examining your selves before it is too late; for there is no working in the Grave, where we are hastning Night and Day. The Word is, *now is the Day of Salvation.*

Well then by your Leave I shall examine this Matter by all things in a clear Sight, according to my Ability; you are sensible there is Strife and Contention, Revenge, Envy and Malice among you, and how this came into Town after such a Rate, I am now to declare; you are told that *Covetousness is the Root of Evil*; It was covetousness made Eve the Mother of all living, to covet that forbidden Fruit. It was Covetousness (16) made Ahab to desire Naboth's Vineyard. It was Covetousness and Hypocrysy made Ananias and Saphira his Wife to keep back Part of the Money, and was struck down dead, to be an Example for them that would follow after. And so all along the Old Testament, and likewise the New.

It is very plain, That Coveteousness is the Root and Fountain of all Sin, and likewise the Root of all Misery. Of all Sins which the Ministry have taxed for the common People there is none so noted and

exclaimed against as their Hardness, Worldliness, gathering of Goods and Wealths together, and the Sin is so much observed above all others, as that an honest counted Man can scarce be free from this Imputation, by Reason that it goes under a Mask, undiscovered to Many. And I think it is a plain Cause to all Men, that it was Coveteousness brought in these Proprietors, as you call them, into the Plantations of these poor People. If there was not (17) some desirable Entertainment for the Flesh you would never seek those Improvements. Let Conscience speak, and I dare say it will accuse; but if you stifle the Voice of Conscience now, it will perhaps accuse some other Time. I think it is plain enough before you, that you was the Beginning of these Offences; you cannot properly say that you have obeyed that great Commandment of our Saviour, that is by loving thy Brother as thy self, or else me thinks you could not have that Heart, to put one of thy fellow Creatures into Prison, for cutting Wood on his own Land, for that shows plain that there was no Love at all.

But further, you pretend that the Land belongs unto you *by Right and Title of Proprietorship*.

But I answer, that Right was never made publicly known in sight to common People unto this Day; you are very sensible, that there are many such that Pretendes to sell Land about the Country, especially in this Government, (18) under Pretence of Proprietors, and likewise Sold Land to poor People without giving any Title, but *Quit Claim*, as they call it, and so made some ignorant People believe that it was sufficient; and after a little Time, another comes to demand Pay for the Land, or else to Prison he must go. Then the poor Farmer, knowing not what to do in this Cause, agrees with the pretended Proprietor for some certain Sum of Money, by giving him Time to pay it; and I think it can be sufficiently proved, *That Land has been*

bought three Times by such Pretenders, and perhaps not come to the Right Owner unto this Day; And my Reason is this, if have Right and Title to this Land as you pretend, why do you not, warrant and defend when you give a Deed for the same; I never knew that any of those Pretenders ever did.¹ Some indeed will warrant to defend the Land to keep in Safety for Ten Years or there about and then if another comes and demands the Land afterward, what (19) care he, he has got his Money, and away he goes to sell more if he can, or else gives out some threatning Words if they refuse to obey him; and that has been the Practice in this Country, ever since I have been acquainted in this Land.

But further, you have objected the Title of those People that bought of these Nations, which we call *Heathens*, the native of this Country, you are sensible, that these Nations were never conquer'd by the Sword, for they are peaceable Nations. And likewise, the Crown of England Pay's considerable Bounty for their Peace amongst us. But if you go on after this Rate, you break the Peace with these Nations, by taking away the Land, that they have Sold peaceable to the Settlers of this Country, which I think is contrary to all Reason of Human Kind: And again, methinks that such Practice as this is now, is more Rebellion against the Authority, than taking a Man out of Prison, that was put in for cutting Wood on his own Land; now, let the God of Reason (20) argue the Cause, and your Conscience awakened, and you must Confess that you was in Fault: Note this your actings and manner is contrary to the Gospel, and likewise contrary to the Rule of the King of Great-Britain:

¹ Mr. Alexander, in the title page of the original copy, wrote: "Pages 17, 18 & 19 Sum all thats any way to the purpose, one of these [pamphlets] could not be got to send to Mr Penn in June last possibly it may Entertain him a little to See it."

God Bless him on his Throne, and preserve him in Health and Strength, to vanquish and overcome all his Enemies. Amen. Again, if you consider rightly you must Acknowledge that Coveteousness was the beginning of this unhappy Misfortune, by bringing in Contention and Strife, Divisions and what not Threatenings, Words, and such like Things which is contrary to the Rule of the Gospel and Nature of God.

But further to consider, what a dreadful thing it is, to hear the Cry and Curse of the Poor, that must be dreadful indeed; to have the Poor Rob'd of their Habitations is cruel, you have hear'd it said, that ther's no Power but of God: The Powers that be, are ordained of God.

Well then, to consider this Tumult, whether it be of God or wholly of Men, (21) I shall be very Briefly in this Matter: For no Man knows the secret will of God, nevertheless we are Commanded to seek his revealed will, and so I shall do mine endeavour to find out: *First*, you have seen the People flocking together to defend themselves and their Habitations, which they have had in Possessions these many Years: You seen the People most willingly joined together to defend their Plantations with the utmost Vigour: Then you knew not what to do in this Cause; your great expectation like to come to poor Accompt or to none Effect, your great Treasures that you made so much Reakoning is like to come to Nothing, then you considered one thing and then another, you began to make Parties, and that was not sufficient, and then you went to some Ministers and told them your Grief, and desired them to Preach a Sermon for your Defence, to see, if that could avail with those People, but that would not do neither, for that brought a greater Strife and Contention still. For (22) the People was in displeasure with those Ministers for Preaching such Lectures, and indeed I cannot Blame them for it. If the Word of

God is to be Preached, it is to be done in a more civil manner then so, if Ministers makes Parties he builds with one and pull's down with another; which makes me think that such Preaching is not agreeable to God's will: As it is to be observed in the manner and actings, when a Minister had done Preaching before they parted the House where they were Sitting, there was Division and Striving amongst them who should have the Land: And methinks that such preaching was nothing else but a Mocking of God's Word, which is very plain if rightly considered, for who can think, that great Jehovah. will hear such Prayers and Preachings when there is Strife and Contention, and I am Sorry that I must tell those Ministers that the Spirit of Blindness was upon them, or else methinks that they might percieve the Nature of things better.

(23) But further to consider, after you saw that Preaching will not do, and will avail no good on your Side, then you Threaten the Law again by telling some, and giving out report of Threatening Words that you will prosecute the Law upon them; by rising such Report that they have broke the King's Laws, thinking to fright'n the poor People out of their Habitations, by rising such an uproar amongst the Country in a sad confused Manner; which makes me believe that this Power is of God, that is, by defending these poor Inhabitants of the Country, as you may plainly see; for such manner of actings is contrary to the Word: You remember that I have said before in Proverbs, *He that hasteth to be Rich, hath an evil Eye, and considereth not that Poverty shall come upon him;* which methinks that you cannot help, but reflect on yourselves; but nevertheless here is another thing and matter to consider: You pretend to be the right Owner unto this Land *by Right of Propriatorship*, and (24) these People pretend right Owners *by Purchase of the Natives of these Lands*, and you pretend to

recover these Lands by the Law as you say, and these People pretend to keep and defend their Lands, untill they know who is in the right, Propriators or the Purchasers, for our Country Law cannot decide these matters for such matters belong to the Crown of England, and I doubt not, but it will be gladly accepted there for decidings of such Matters, for I do think that our Gracious King God bless him, will do Justice amongst his Subjects, by giving every one his Right and Title; neither do I think that he will take away from these poor Inhabitants one Foot of Land, that they bought of the Natives; and I doubt not but he will Vindicate them in their Proceedings, for it does look reasonable that they are the right Owners, by Reason of their Fore-fathers went in Hazard of their Lives among them, if they had not bought these Lands, they could not have any Peace among them.

(25) And now let us consider another Matter, suppose these Natives was to live on these Lands that you pretend claim unto, would you drive that Heathen Man away from his Land that he makes use of it, No, you would not, neither dare you do it, for then you break the Peace with them, and also break and forfeit the Peace amongst the Inhabitants in this Country by driving People out of their Houses; but now the Cause is altered, you are not like to prevail so no longer, untill the Inhabitants of this Country is better provided from the King of Great-Britain and the Pears of the Realm. Which methinks will come to pass in little Time if you can agree like Brethren as you ought to do, by sending in your Petitions by Consent, and not go on this Way no farther, but join together Hand in Hand to find out the Truth of this Matter by sending Home your Petitions, to wise Men, which will settle you all to your Content, if ye be not Carnal Men, by walking in and after the Flesh, I. Cor. 3. 1. --- 3. This will (26) appear in (Alas) but too many Particu-

lars, as you may see this Day amongst you; and also among the Corrinthians. As, they were Carnal in this there was among them, Envy, Strife, and Division or Faction, vers 3. And because of this which was undeniable, the Apostle appeals to them and makes them Judges, whether they were not Carnal and walked as Men, in the Flesh, or according to Men and not according to God, as it may be expressed: Are ye not Carnal? Ye cannot deny it, 'tis undeniable, you cannot deny that ye are envious it Witnesseth (and is not only Witnessed by others) to your Faces, and therefore you cannot deny but you are Carnal, for such things are the Works of the Flesh, Gal v. 19. --- 21. And it comes from below, not only from Earth and Men, but from Hell and the Devil (who worketh these things in the Children of Disobedience, and in you who are here in Disobedient Children (if ye have bitter Envyng and Strife in your Hearts, Glory not, and Lie not against the Truth, for this Wisdom (27) descendeth not from above, but is Sensual, Earthly and Devilish. Jam. iii. 14. 15. 'Tis such as a Spiritually and Heavenly Wise Man would be asham'd of. Whoever then be found as these are will be counted no other but Carnal, and walk as Men, wherever they are to be found, a Christian should excell the best of Men in all Morality and Ingenuity, but to be like the worst of Men envious ones, the Devils Pictures is very Carnal indeed.

But again, it seems to me that this Carnality reigns among Men so much, is, wanting of Religion to be grounded in the Heart, there is abundance of Chatting and Talking about Religion in the Country, as they can't help from making Parties, by saying, who is on our side some Men are, like as the Corrinthians, did it seems much confine, not only themselves, but God too, to such a Man-ministry: They look for no Increase (some of them) unless Paul did Preach, nor others

unless Apollo did Preach; as if their Faith and the Blessing had come from the Man; Poor (28) Men that will let none feed them but such a Nurse, or such a Servant, as if the Milk would do them most good when this or that Person puts it into their Mouths. How many of these are unto this Day, that care not to hear unless such a Man Preach, they are more taken with Man then God, and Man's Word then God too too often; when we must know that if any Work be wrought 'tis the Lords doing, and he alone should be wonderful in our Eyes: Whoever brings a Mercy 'tis God sends and blesseth it, and the Glory should be his, and so I shall Wave this for the present, and turn back and consider what has been discoursed: You are sensible that there is great confusion in the Country about Lands of these Kind, which must needs be great uneasiness to the People; and I hope you will consider and take another Method than Quarelling about the World; such doings will not bring you into Heaven; but will certainly bring you into another Place, if repentance doth not come and (29) pay you a Visit; and also I hope that you will consider that you will take the Word for your Rule and Practice; for you are sensible that there is no Sin like that which is called a wilfull Sin, that is, he is not willing to part with it, he cannot have the thought of leaving that one Sin, and that must needs be Damnable.

Whoever is so, that is not willing to deny Ungodliness and worldly Lust, is Poor indeed. And methinks the Reason is this; that it is want of Religion; for Religion is very necessary, for there is no State on Earth so satisfying as should take a Man off from looking and hastning to the coming of Christ, that we may be always with him and altogether like him, Phil. i. 23. I. Joh. iii. 2. 2. Pet. iii. 11. --- 13. The good and bad Things and conditions in this World call upon us to long to be above in Heaven: For if it be

bad to be here, 'tis good to be there; if it be good to be here, 'tis better to be there; to be sure: Though we have enough sometimes to say, 'tis good to be here, yet we have never enough to say, 'tis best to be here.

(30) We should all take heed and beware that we do not place our Growth and advance, only in Knowledge (head & book Learning) nor only in Gifts and Parts, nor only in common Graces: No, nor in going from one Opinion to another, or one form of Church Government to another, from one Profession to another; this I fear hath been a great Mistake, as if were agoing on to, when (Alas! if this be all! 'tis a going to be tossed to and fro, with every Wind of Doctrine: Alas! what is it to be Episcopal, Presbyterians, Congregationals, &c. Our Religion lies not, much less our Perfection, in these or any other Opinions, and Form of Government. I doubt not but there are Saints in all these Forms, yet withal I believe and affirm that none of these Forms makes them Saints.

We should be as careful to mind and discharge the Duties as to enjoy the Priviledges and Dignities of our State, for Sin of Omission is no less damning than Sin of Commission; and mind not only (31) to be in Christ, but to walk in him, and as he walked. Study Commands as well as Promises, and look after Light that we may walk in the Light (as Children of the Light) we have Fellowship one with another, i. e. God and we have.

Thus as God glorifies us, we glorify him, for which we should have Ambition, yea, and *to let our Light shine before Men, that they also may glorify our Father which is in Heaven, Matth. v. 13. --- 16.* Let us live in Love, and Truth and Love.

For Oh how good and pleasant a thing it is for Brethren to dwell together in Unity; let us not be like Ephraim & Judah to Envy and Vex one another; but love one another with pure love Fervently: Oh how

pleasant a Thing it is to see those People, that bears rule of Governing in the State of Common Wealth, to do Justice, to love Mercy, and maintain the Truth, and all to be done, to the Honour and Glory of our Father and Jesus Christ, to correct Vices, to promote Virtues, Oh! what happy thing that (32) would be to the State of Mankind, Oh! how pleasant would our Lord and Master Jesus Christ look upon these People at the Day of Judgment; when that blessed Son of God coming in the Clouds who hath the Person of a Man, but the Power of God, being Crowned with Dignities and Guarded with Angels and Inraged with Anger to all those that Disobeyed his Laws: But on the other Side, how pleasant will his Countenance be to those that have Obeyed his Laws in this World to their utmost of their Capacity, and I beg of you to meditate on Judgment, and likewise I beg for the Lord's Sake to Pray for me and mine that we may walk in the way that is pleasing in his Sight.

To which End, let us grow in Grace, and in the Knowledge of our Lord and Saviour Jesus Christ, that to him, and to the Father by him there may be thanks and Glory given, both now and forever, Amen.

Which is the desire of your Friend & Servant to Command in Jesus Christ.

GRIFFIN JENKINS.¹

(33) *Ejaculation I.*

Lord, we again lift up our Eyes,
 And leave our sluggish Beds,
 But why we wake, or why we rise,
 Comes seldom in our Heads,
 Is it to sweat and toil for Wealth,

¹ GRIFFIN JENKINS. Nothing is known of this individual, but from the manner his letter is referred to, at different times, in the Proprietor's publications, it is evident that its purport excited some apprehension in their minds. - Ed.

To sport our Time away,
That thou preserv'st us in Health,
And giv'st us this new Day?
No, no, unskilful Soul, not so,
Be not deceiv'd with Toys;
Thy Lord's Commands more nice do,
And aim at higher Joys.
They bid us wake to seek new Grace,
And some fresh Virtue gain;
They call us up to mend our Pace,
Till we the Prize attain.
That glorious Prize for which all run,
Who wisely spend their Breath;
Who, when this weary Life is done,
Are sure of Rest in Death.
Not such a Rest as here we prove,
Disturb'd with Cares and Fears,
But endless Joy, and Peace, and Love,
Unmix'd with Grief and Tears.

(34)

Ejaculation II.

Why do we seek Felicity
Where 'tis not to be found?
And not, dear Lord look up to thee
Where all delights abound?
Why do we seek our Treasure here
On this false barren Sand,
Where nought but empty Shells appear,
And Marks of Shipwreck stand?
O world, how little do thy Joys
Concern a Soul that knows
It self not made for such low Toys
As thy poor Hand bestows?
How cross art thou to that Design
For which we had our Breath?
We who were made in Heav'n to shine,

Thou bowest down to Earth.
 Nay, to thy Hell, for thither sink
 All that to thee submit;
 Thou strow'st some Flowers on the Brink
 To drown us in the Pit.
 World, take away thy Tinsel Wares
 That dazel here our Eyes;
 Let us ascend above the Stars,
 Where all our Treasures lyes.

35)

Ejaculation III.

Let others take their Course,
 And sing what Name they please;
 Let Wealth or Beauty be their Themes,
 Such empty Sounds as these.
 For me I'll ne'er admire
 A Lump of burnish'd Clay.
 Howe'er it shines it is but Dust,
 And shall to Dust decay.
 Sweet Jesus is his Name
 My Song shall still adore,
 Sweet Jesus is the charming Word
 That Does my Life restore.
 When I am dead in Grief,
 Or, which is worse, in Sin,
 I call on Jesus, and he hears,
 And I to live begin.
 Down then, down both my knees,
 Most humbly to the Ground,
 While with mine Eyes and Voice lift up
 Aloud these Lines I sound.
 Live gracious King of Heaven,
 By all in Heaven ador'd;
 Live gracious Saviour of the World,
 Our chief and only Lord.

(36) *Ejaculation IV.*

My God, had I my Breath from thee,
 This Pow'r to speak and sing,
 And shall my Voice, and shall my Song,
 Praise any but their King?
 My God, had I my Soul from thee,
 This Power to judge and chuse.
 And shall my Brain, and shall my Will,
 Their best to thee refuse:
 Alas! not this alone, nor that,
 Hast thou bestow'd on me,
 But all I have, and all I hope,
 I have and hope from thee.
 And more I have, and more I hope,
 Than I can speak or think,
 The Blessings still refresh, then fill,
 Then overflow the Brink.
 But tho' my Voice and Fancy be
 Too low to reach thy Praise,
 Yet both extol thy glorious Name
 As high as they can raise.

Ejaculation V.

(37) Open thine Eyes, my Soul, and see
 Once more the Light returns to thee;
 Look round about, and chuse the Way
 Thou mean'st to travel o'er this Day.
 Think on the Dangers thou may'st meet,
 And always watch thy sliding Feet;
 Think where thou once hast fall'n before,
 And mark the Place, and fall no more.
 Think on the Helps thy God bestows,
 And strive to steer thy Life by those;
 Think on the Sweets thy Soul did feel
 When thou didst well, and do so still.

Think on the pains that shall torment
 These stubborn Men that ne'er repent;
 Think on the Joys that wait above
 To crown the Head of holy Love.
 Think what at last will be thy Part
 If thou goest on where now thou art;
 See Life and Death set thee to chuse,
 One thou must take, and one refuse.
 O gracious Lord, guide thou my Course,
 And draw me on with thy sweet Force,
 Still make me walk, still make me tend,
 By thee my Way, to thee my End.

F I N I S .

[New York, Printed by J. Zenger, Jun., 1745-6.]

Communication of the Rioters about the Riot in Newark.

[From New York Post-Boy, February 17th, 1745-6.]

Mr. Parker,

Divers Persons having seen in your Post-Boy of January 20th, an Account of an extraordinary Riot at Newark, &c. touching three Persons committed to Jail, whereof one was Nehemiah Baldwin, who it is said, *offered to give Bail; pursuant unto which the Sheriff was about carrying him to the Judge, &c.* This Matter is not put in a true Light: The said Baldwin, as well as the other two, had Offer made by the Sheriff, if they would give Bail, they might all be discharged; to which they all refused. And as is further said, *a great Number of People appearing with Cudgels from the back Settlements, &c.* Take the reply, in the following Narrative, containing and setting forth the Reasons why People were so exasperated. Whereas sundry of the Proprietors, so called, had in

the late Years of 43, and 44, sent about and surveyed almost all the unimproved Lands in the Country of Essex, with a great Number of Improvements and settled Plantations, particularly above the Mountain to Passaick River, including Mr. Van Gesin's Purchase, so called, and all Horseneck Purchase, with the Improvements and Settlements, to the Number of three or four Score Plantations and Families, &c. who in the general, having bought their Lands of or from the native Owners and Proprietors of the same, and possessed it, many of them some Scores of Years, tho't their Properties secure from any Invasion; when said Proprietors, so called, selling some of the Lands surveyed as aforesaid, and offering the rest to Sale; and withal serving several Ejectments on the Long possessed as aforesaid, threatening to dispossess one and all, who would not yield their Right and comply with their unreasonable Demands; and moreover to make all Persons in said County and Country, who had Patents, &c. pay to them Quit-Rents, to the Value of 30 or 40,000 Pounds, &c. These things so animated the People to stand by and for their Rights, Privileges and Properties, that in order to secure and defend them in a due regular Manner, they, in February, 1744, chose a Committee to act for them, in such Negotiations as might be thought proper, to transmit their Affairs and Circumstances home to England, and lay them before His Majesty King George in Council, &c. Upon this Motion or Design manifested, said Proprietors reduplicate their Processes by Ejectments, &c. The Committee aforesaid, March 27th, sent several of their Number to wait on Mr. O[fgde]n (a Person concerned in the Affairs relating to *Horseneck*, &c.) who offered, if they would pleased to take any one or two particular Cases relating to said purchase (or any other they had by Delegation Concern in & for) they would join Issue with them in the Law for a Trial; in con-

sideration they might have Liberty of appeal home to England, if Occasion offered, &c. and the like Proposal or Offer was made again by Messrs *J[ohn] L[ow]*, Esq; and *J[ohn] C[ondit]*, in the Name of the Committee, to Messrs. *A[lexander]*, *M[orris]*, and *O[sgood]* Esqrs. at Perth Amboy, when sent thither to treat with them on that Affair; But, in short, all their Proposals were rejected, and they return, with this Declaration, viz. That they would not stop their Processes for two, three, nor yet ten Cases of Actions, if they were answered in the Law, &c. Afterward came a Proposal or Offer, from Mr. *O[sgood]* to said Committee, viz. of making or giving them Allowance of Eighteen Months for effecting the Business on foot, relating to the Purchases; in Consideration said Committee would become obligated to deliver up all the purchased Lands and Possessions they laid Claim unto, into their Hands at the Expiration of said Term of 18 Months, if their Purchases or Grants were not then established. To which, Reply was made, that in Case they complied with said Proposals, &c. would they be obliged to make a Redelivery of the Premises, if after said Term limited, the purchased Rights should be established or confirmed at home? to which Mr. *O[sgood]* answered negatively. Soon after which they began again the Invasion of Men's Rights, Properties and Possessions: For one Samuel Baldwin having been for many Years possessed of Land lying within Van Gesin's Grant, or Purchase aforesaid (which the Proprietors had surveyed as above) and (as he was wont) cutting some Logs thereon for his Saw-mill, &c. they arrested him to the Supream Court, put him in Jail, and made 30 or 40 Writs more, (as it was said) to serve on Men, for such like Trespasses, as they call 'em. This Baldwin being one of the Committee aforesaid, the rest of that Number determined to bail him, and stand Trial, &c. But the People in general supposing the Design of the Pro-

prietors was to ruin them (which they well knew, should they prosecute and succeed according to their Threats, &c. would be the Consequence) and by Multiplicity of Law-Suits and Expence, thereby to impoverish and weaken them, that they should not be able to prosecute their Design (of sending home) to Effect; and withal, supposing they could not live under such Oppressions, which, (as it is said) *makes wise Men mad*; they went to the Prison, opened the Door, took out Baldwin, and returned peaceably, ordering the Breach made to be well mended; which was done accordingly.

Note, The Ground of the above Supposition (besides what has been offered) was this; a certain Gentleman of the adverse Party, discoursing concerning a certain Bill to be exhibited in Chancery, relating to their Affairs with Elizabeth Town; declared, if they could once make their Matters bear, to bring in said Bill; it would put a Stop to Elizabeth Town's Proceeding, by Reason the Expence would be so great, they could never take it out, &c. Thus you have a brief Hint of the Grounds or Causes why People have been so exasperated: We will only add in a Word what some of us has met with, set forth as a Reason for their sending home, viz. That the Invasion of our just Rights, Properties and Possessions, in and by the Oppressions and Frauds of the Proprietors, so called, is the only Spring of our Motion in the Matter of Complaint offered; it being notoriously known, how they impose upon, or rather deceive and beguile innocent, weak and ignorant Men, many and diverse Ways; and that when or after they, or some of them, have sold Lands to Persons under Colour of Right, &c. others under the like Pretence of Propriety, have again, or afterwards, sold the same Lands; whereby the Purchasers are not only frauded, but even the whole Country is in Confusion. But to pass this; Tis said further, That said Nehemiah Baldwin *was rescued from the Sheriff, contrary to his*

own desire which is absolutely false, by his own Word, &c. And as is further said, *The Sherif retreated to the Jail where he raised 30 Men of the Militia, with their Officers, in order to guard it:* We conceive this was done before, viz. at their Commitment. And as 'tissaid, *the Mob, as 'tis called, increased to 300, &c.* it is supposed they were strong, besides as great, or a greater Number, who were coming the Night following, and the next Day, in order to join them. Again, *They marched up to the Prison, and took out the other two, &c.* But touching what is inserted concerning Prisoners for Debt, &c. the Truth is one William Grant, Stone Cutter, being put or thrust in, a few Minutes before the Mob, as they are called, opened the Door, by that Means made his Escape. *Note.* The said Grant was there a Prisoner at large, and then desired they would shut him up: Moreover, the said Grant had taken the Oath, according to the Act of Assembly of this Province, for Relief of poor distressed Prisoners for a Debt under 5 l. And finally, what is said of several Persons being wounded & bruised, and especially, of one supposed past Recovery; it is so far from the Truth, that there is not one Man either of the Guard, or of the Mob, as they please to call them, that is any ways dangerously wounded; no not so much as to let them from their Work and Business. A good Providence surely! May the Lord of Hosts, whose Blessing is on his People, and who will arise for the Safety and Security of the oppressed Poor, and crush'd needy Ones, bring Good out of all this Evil! May his Name have Praise, and his People Peace, so long as Sun and Moon shall endure. This is the Hearts Desire and Prayer of us, who (whatever we may be called by our Adversaries) do assert, we are the dutiful and loyal Subjects of His Majesty King George, and faithful Friends to our Country, even Thousands of us.

*A Publication of the East Jersey Proprietors—relating
to the riots.*

[From Papers of Ferdinand John Paris in New Jersey Historical Society Library.
Books O and P, and Elizabethtown Bill in Chancery.]

By the Council of Proprietors of the Eastern Division of New-Jersey, met at Perth-Amboy, the 25th Day of March, 1746, in Behalf of themselves and the rest of the General Proprietors of the Eastern-Division of New-Jersey, whom they represent.

It is with Concern we see in the publick Papers, that in September last the Goal of Newark was, in a riotous Manner broke open, and a Person rescued from thence, who had been committed on a common Writ of Trespass, upon his refusing to give Bail, or an Appearance thereto: And that afterwards, upon the apprehending of some of the Rioters, another Riot was committed in January last, in which the Goal of Newark was again broke open, and the Prisoners therein rescued: And we have more Reason to be concerned, as we find by the New-York Weekly Post-Boy, of the 17th of February last, and by a printed Paper, signed Griffin Jenkins, the General Proprietors are traduced as the Cause of those Riots, in Expressions unbecoming any Men to use towards those from whom, under the Crown of England, all the Freeholders of East Jersey do derive their Titles to their Lands, and which, we are well assured, no Man of Reputation would use, and at the same Time put his Name to what he says: We have therefore thought proper to publish what follows, in order to obviate the Mischiefs that may arise from such daring Practices, and that the People

of this and the neighbouring Provinces, into whose Hands those Papers may come, as well as those who are at a greater Distance, may be truly informed of the Points in dispute, between these poor deluded People and the General Proprietors.

The Post-Boy of the 17th February last insinuates, That the Persons in whose Favour these Riots were made, have a better Title to the Lands in Dispute, than the General Proprietors, and those claiming under them; that they have been put to great Expence by many vexatious Suits; that they are prevented from bringing their Causes fairly before the King; that the Conduct of the General Proprietors has been cruel, harassing and vexatious; and that in the particular Transaction between the Settlers of the Lands called Horse-Neck, and the Persons claiming it under the General Proprietors, the Settlers have made fair and reasonable Proposals, and the Claimers have rejected them.

Now if it can be made appear, that these Rioters have no good Title to the contested Lands; that these Rioters in particular, have never been put to any or a trifling Expence by Lawsuits; that the Conduct of the General Proprietors has been regular, careful and remarkably candid to every *bona fide* Purchaser; that any Persons with whom they have been oblig'd to go to Law, might, if they pleased, have brought their Causes by Appeal, before the King in Council; and that in the Transaction about the Lands called Horse-Neck, fair and reasonable Proposals were made by the Claimers to the Settlers, but were rejected: If these several Things can be made appear, then it must be left to the Publick to judge how grossly these poor People are abused, by the Fomentors of these publick Distractions.

It is well known and apparent by the Records of this Province, that in 1664, before any Englishman

ever settled in this Province, King *Charles* the Second, by Letters Patents under the Great Seal of England, granted to his Brother, James Duke of York, a great Tract of Land in America, in Fee, whereof New-Jersey is a Part;—That the said Duke of York, by Deeds of Lease and Release, in the same Year, conveyed the Tract of Land now called New-Jersey, in Fee, to *John Lord Barclay* and *Sir George Carteret*; and that after the Dutch War, like Grants were again made of New-Jersey in the Year 1674;—That the said *Sir George Carteret* and the Assigns of *Lord Barclay*, by Deed, bearing Date 1st July, 1676, divided New-Jersey between them, the Eastern Part of which was to belong to *Sir George Carteret*; which Deed and Partition was confirmed by an Act of General Assembly of New-Jersey, passed in the Year 1719;—That *Sir George Carteret*, by his last Will, bearing Date 5th December, 1678, devised, among other Things, to certain Trustees therein named, a Power to sell East New-Jersey; and that these Trustees, in Execution of the Trust reposed, and agreeable to the Powers given them, did, by Deed dated 2d February, 1681–2, convey East New-Jersey, in Fee, to William Penn, Robert West, and others, to the Number of Twelve; and that each of these Twelve, by particular Deeds, took in a Partner, who was to be equally concerned with him, so that East New-Jersey became vested in Twenty-four Persons, who have been ever since called *the Twenty-four Proprietors*.

That by an Instrument under the Hands and Seals of almost all the Twenty-four Proprietors, a Council of Proprietors was established, with Power to appoint, oversee and displace, all Officers necessary for the Management of their Property; with Power also to take Care of all Lands belonging to the General Proprietors, to demise them for Terms of Years, and to appoint Dividends thereof; with Power also to exam-

ine the Rights of every particular Proprietor, who demands his Share of those Dividends, and to grant Warrants to the Surveyor-General, for appropriating the Quantity due to such Share; with Power also to bring Suits against Intruders into and Trespassers upon the Lands of the General Proprietors, and in general, to manage all the Affairs which relate to the said Proprietors; which Council is to consist of at least, one third Part of the whole General Proprietors, or their Proxies; and which Council, for many Years past, actually has consisted of that Number or more, and they have two general Meetings yearly, at Perth-Amboy, immediately after the Supreme Courts there.

This is a short Abstract as well of the Title of the General Proprietors, to the Lands of East Jersey, as of the Constitution of the present Council of Proprietors, wherein all their Business is done; and from hence it will appear, that they are no Pretenders, but have a Right, not only to call themselves Proprietors of East-Jersey, but to be treated as such.

The Title pretended to, in Opposition to theirs, by the Rioters and their Abettors, is, That they or their Ancestors, have possessed Lands, by Purchases from Indians, stiled by them *the Native Owners of the Country*; but no such Deeds appear any where on Record, nor do they tell us who made these Purchases, nor from whom, nor when: Now, be these Purchases real or pretended; be they by Conveyances from some private foreign strolling Indians, or from such as lived on the Lands, and might have had some Pretensions to sell them; or be the Purchases made for small or trifling Sums, or for such Considerations as were then usually given to the Indians; or whether the Indians had or had not sold the same Lands by former Conveyances to others; be they, in short, what they will, the Matter with respect to these Purchases by the original Constitution, Practice and Laws of this Province stands clearly thus:

It is well known and apparent by the Records, that the Proprietors, Lord Barclay and Sir George Carteret, by Charters of Concessions, established the Constitution of New-Jersey, and therein prescribed the fundamental Rules of that Government, and the Rules and Methods by which Property in Lands there might be acquired; amongst which Rules one was, 'That, 'all 'such Persons who should transport themselves into 'the Province of New-Jersey, within certain Times 'limited by the said Concessions, should be intitled to 'Grants or Patents under the Seal of the Province, for 'certain Quantities of Acres in the said Concessions 'expressed, paying therefore yearly, the Rent of one 'Half-penny, sterling Money, for every Acre so to be 'granted.' [Lib 3, 70.]

Another Rule was, 'That all Lands should be purchased by the Governor and Council from the Indians, 'from Time to Time, as there should be Occasion, in 'the Name of the Lords Proprietors; and every Person 'settling was to pay his Proportion of that Purchase 'Money and Charges. [Lib 3, 96.]

It's notorious also, and apparent by the Records of New-Jersey, that the Government of that Province was, pursuant to the said Concessions, established by the said Proprietors, and that Governors and Officers were from Time to Time, by them and their Assigns, commissioned for that Purpose; who for many Years administred the Government, pursuant to the said Concessions, granted many Hundreds if not Thousands of Patents for Lands to Persons who came to settle in New-Jersey, upon the Encouragement given by the said Concessions, rendering and paying yearly, the Rent of one Half-penny sterl. per Acre.

After the Division of New-Jersey into two Provinces, in 1676, to wit, East New-Jersey and West New-Jersey, made by Sir George Carteret and the Assigns of Lord Barclay, tho' the fundamental Rule aforesaid,

concerning Indian Purchases, was generally observed, yet some few Persons broke thro' it, by taking Deeds from the Indians in their own Names, and not in the Name of the Lords Proprietors; which induced the Governor, Council and Representatives of the People of East New-Jersey, in General Assembly met (the better to enforce that Rule, and to prevent Sedition likely to ensue from the Breach of it, as well as Men's Titles being thereby rendered precarious) in the Year 1683, to make an Act, 'forbidding all Treaties with the 'Indians without Licence of the Governor, and the 'taking of any Deed from them, but in the Name of 'the Lords Proprietors of East New-Jersey, upon Pain 'of being prosecuted as seditious Persons, and as 'Breakers of the King's Peace, and the publick Peace 'and Safety of the Province.' As by the Record of the said Act in Lib. C. pag. 52, Cap. XVIII. more fully may appear.

It's also notorious and apparent by the Records, that after the Division aforesaid, Sir George Carteret and his Assigns, enjoyed the Government of East New-Jersey, and disposed of and divided the Lands thereof according to the said Concessions and Agreements amongst themselves, and the Laws of the Province, until the Year 1702, when they agreed with the Proprietors of West New-Jersey to surrender, and did together surrender their Governments to the Crown of England, reserving all other their Properties, Rights and Franchises whatsoever; whereupon the two Divisions of New-Jersey, became again united into one Province, the Government of which, by the said Surrender, belonged to the Crown; but the Right to the Soil, and every Thing else that passed to Lord Barclay and Sir George Carteret, by their Grants from the Duke of York, remained in their Assigns who made the said Surrender; and by Concessions made by the Crown at the Time of the Surrender of the Proprietors

Government, a Set of Instructions were agreed on, to be granted to all Governors who should be appointed by the Crown for the said Province of New-Jersey; and which have hitherto been accordingly granted; and by which Instructions, amongst other Things, the Crown disclaims all Right to the Province of New-Jersey other than the Government, and owns the Soil and Quit-Rents, &c. to belong to the said General Proprietors; and wherein the Governors are directed not to permit any other Person or Persons, besides the said General Proprietors, to purchase any Land whatsoever from the Indians, within the Limits of their Grant; wherein also the Crown commands those Governors, not only to permit the Officers to be appointed by the General Proprietors, for the Management of their Properties, to execute their Offices, as the Receiver-General, Recorder and Surveyor-General, upon taking the Oaths to the Government, and giving Security for the due Execution of their Offices, but also to aid and assist them therein; as by so many of those particular Instructions, as concern the Affairs of the General Proprietors, appearing on Record in the Secretary's Office of New-Jersey, in Lib. F. 2. fol. 423, &c much more fully may appear.

And the several Governors of New-Jersey, under the Crown, pursuant to the said Instructions, from time to time, have administred the Oaths to, and admitted the said Officers to the Execution of their Offices, and seen Security given for the due Execution thereof, and notified it to the People by publick Proclamations, as by the Minutes of the Governor and Council of New Jersey appears.

It's also apparent by the Records and by the Minutes of the Governor and Council of New-Jersey, that the Exercise of the Government of *New-Jersey*, remained in the Proprietors until the 14th Day of August, 1703, when Lord Cornbury published his Commission from Queen *Anne*, to be Governor of New-Jersey.

It's also apparent by the Records, and by the first Leaf of all the Editions hitherto printed of the Acts of Assembly of the united Province of New-Jersey, that by the very first Act of Assembly, made after the Government came to the Crown, published in November, 1703, not only all Indian Purchases, which had not been made by the Proprietors before that Time, are declared void if they obtained not Grants for them from the General Proprietors within Six Months, but also all who should thereafter make Purchases of the Indians (except Proprietors, and they too only in the Manner there prescribed) should forfeit *Forty Shillings* per Acre, for every Acre so purchased.

It is also apparent by the Records, and by the printed Acts of Assembly, passed in the Year 1713, Chap. XXXIX. that a Penalty of *Twenty Shillings*, Proclamation Money, is laid for cutting of every Tree upon Land not the Person's own, and that as well upon Lands belonging to the Proprietors in general as to others in particular.

Possibly many of the Rioters being ignorant Men, and many of them Strangers to the Province, and since they came to it living retired in and behind the Mountains of Newark, upon any Land they could find, without enquiring who the Owner thereof was, have of late been animated and stirred up to believe, that those Things which the Laws of the Province have declared to be criminal and penal, were lawful; and that those Crimes committed, gave the Criminals Rights, Privileges and Properties; but though many have been ignorant enough to be so seduced, we cannot think that all can with Truth plead that Excuse; some there are amongst them, who tho' they may not be acquainted with all the Particulars aforesaid, yet cannot be supposed never to have seen the printed Laws of this Province, and the first Leaf of them, which has had at least three Editions, making those

Pretences void and penal. The poor, deluded, ignorant People, we conceive, deserve Pity and Compassion, but the Laws of the Province point out the Deserts of the Seducers.

Neither the General Proprietors, nor we their Representatives, have to our Knowledge, been guilty of any Invasion of the just Rights, Properties or Possessions of any of the Rioters, or of any of the People of New-Jersey, or of imposing upon or beguiling innocent, weak and ignorant Men, as in the Post-Boy's Paper is averred to be notoriously known; we have too much Concern in the Well-being and Prosperity of New Jersey, to let such a Thought enter into our Hearts, nor have we been accessory to or ever countenanced any Fraud or Oppression by any one or more Proprietors.

But as every Proprietor has the Liberty of selling his Propriety to whom he pleases, and in as many Parts as he pleases, the Number of the Proprietors, may be easily supposed, to have greatly augmented; among which Number, probably there may be some not quite so honest as they should be, as there's no Law to hinder a wicked Man from purchasing a Share of Propriety, or the Descent thereof to wicked Heirs; but yet we conceive, that there's a greater Tye upon them to be honest, than upon any other Set of Men in this Province; because if they are guilty of any Fraud or Oppression as Proprietors, they are not only punishable by the King's Laws, as all other Men are, but also, upon Complaint to the Council of Proprietors of them, they stop their Warrants for their Dividends, till they have done Justice in every Thing wherein they had deviated from it, as Proprietors; of which sundry Instances have been; and the Knowledge of this further Tye upon them beyond any other Set of Men, maketh even Cheats to avoid Tampering as to their Rights of Propriety, however wicked they may be in their other Dealings with Mankind.

It is possible, that by an Oversight in the Searching of the Records, a Proprietor may very innocently get appropriated to him, in Part of his Dividends, some Lands that another Proprietor had appropriated before, and not knowing of that prior Appropriation, sell it; and if the Case should be so, undoubtedly the Person who was first legally vested with the Title in Severalty, will and ought to recover the Land. All the Regulations that the Council of Proprietors could think of to prevent such Accidents have been made; they allow of but two Deputy Surveyors in a County, except in one large County, and these are to communicate their Surveys to one another for fear of interfering; then the Surveys are duely examined by the Surveyor-General, who, if he suspects such an Accident, stops them till that Point be enquired into and cleared up, and then the Surveys are recorded, open to the View of every one, where any Buyer may satisfy himself, first, that the Seller has it legally appropriated to him; and, secondly, may see, whether it was legally appropriated to any Person before: But of such Accidents, we conceive fewer have happened, to our Knowledge, than could well have been expected; and where they have happened, Justice has generally been done to the Buyer, either voluntarily, or by Compulsion, at Law, and sometimes by our stopping Dividends till Justice was done; and that has always been done where ever any one would take that Course to complain to us, or where we otherwise got Notice of such Things.

We recollect no more than three Cases where People have been injured by Sales by single Proprietors, where the Land has after been recovered by others, and where the Sufferers had not or may not have full Redress; the Origine of two of those Cases was about the Year 1709, when an unhappy Gentleman, since deceased, then a Proprietor, was imposed upon to sign one Deed for about One Hundred and Seventy Thou-

sand Acres of Land, called *New-Britain*, and another Deed for about Fifty Thousand Acres of Land at *Romack*, without any legal Appropriation thereof to him, and without any Consideration paid to him, as ever after during his Life he averred; and that he did not dream or believe, that a Foot of them was in East New-Jersey; to prove which, he preserved, and his Representatives now have, sundry Letters under the Hand of the principal Grantee in both those Deeds, which have been given in Evidence in his Presence in the Supreme Court.

The Grantees of the greatest Tract, sold some thereof, which being legally appropriated by other Proprietors, they recovered against the Possessor about 25 Years ago; and as those Grantees were so cunning as to give only joint Covenants to the Possessor, so that they could not be proceeded against at Law, for the Recovery of his Damages, till all were taken; and as some lived out of the Province, Relief at Law for that Reason, could not be had; wherefore the Proprietors who recovered, compassionating the Man against whom they recovered, stayed their Execution, and for him and his Name filed a Bill in Chancery against those Sellers, to compel them to pay the Costs of the Suits; and all Monies paid by him in Part of the Consideration Monies, and for his Defence, and to deliver up his Bonds for the rest of the Consideration Money, all which they got done for him; and upon the Proprietors threatening to file a Bill in Chancery, to set aside that Deed for the Irregularity and Fraud in granting and obtaining of it, to prevent People from being further imposed on by it, they promised to do Justice to the few others, to whom they had sold, by giving up their Bonds: As to the 50,000 Acre Tract, it lying very remote, the Proprietors, till about ten Years ago, had no Occasion to go so far in laying out their Dividends, when they found that on Pretence of

that Deed, about Twenty People had been imposed upon to buy; whereon Ejectments were brought against some of them; and in one of them tried, the said Letters were given in Evidence, which showed that the said Deed, under which they claimed, was a Fraud; nor could they show any Power or Right that the Grantor, tho' a Proprietor, had to sell those Lands: so that notwithstanding that Deed, the Lands still remained in common belonging to the General Proprietors, whose Title thereto our Council showed, and demurred to the Defendants Title; whereupon the Defendants were either obliged to join in Demurrer, or wave the Evidence demurred to:—they waved their Evidence:—gave no further Evidence:—and so the Jury went out without any Evidence whatsoever on the Part of the Defendants, and yet they brought in a Verdict for them, to the Admiration of all who heard it.

We being determined not to let 50,000 Acres of the Property of the General Proprietors be so wrongfully taken from them by one or more such Verdicts, were about to have brought others of the said Ejectments to Trial, and to have commenced more; whereon an Accommodation was proposed, and we agreed that for *Twenty Pound per* 100 Acres (which was scarcely the fourth Part of the Value of the Lands) those who had *bona fide* purchased, should be confirmed in those Lands, by a legal Appropriation and Conveyances thereof to them, with absolute Warrantes. The two Cases before, happened not amongst the Rioters; so that they cannot complain they have been hurt by them; but the Scene of the third Case, we believe was chiefly amongst them; and the Fact was, that one Jacob Arents, not a Proprietor, but one who had purchased a Right to a certain Number of Acres unsurveyed, in Part of some of the Dividends, and so he had Right to have that Quantity survey'd where he would chuse, procured Deputies to survey

Lands for him on those Rights, imposed on some ignorant People to buy them of him, without bringing those Surveys to the Surveyor-General to be approved of and recorded as Part of his Right; so that by this Means, his Right was to be like the Widow's Cruse, still selling it and still the Whole remained: Notice of this Imposition coming to the Council of Proprietors and sufficient Proof of it appearing, they, on the 27th Day of February, 1739, ordered an Advertisement to be printed both in English and Dutch, to prevent People's being further imposed on by that Practice (a Copy of which Advertisement in English is annexed, N^o I.¹) which was accordingly, for many Weeks succeeding, printed both in English and Dutch, in the New-York Weekly Journal. We believe several of the Rioters and their Neighbours were injured by that Man's Practices, and that without Redress; because he had not Estate to make Compensation, and was never one of the General Proprietors, or intitled to any Dividends of Lands amongst them, to have Relief that Way:—But are we to blame for this? Are not the very fundamental Concessions and the Laws of the Province obvious to every one, that no Survey can be good, until recorded in the proper Office for that Purpose? And Men must blame their own Simplicity, to

1

No I.

Perth Amboy, February 27, 1739.

Whereas the Council of Proprietors of the Eastern Division of New-Jersey, have been informed, that some undue Practices have been committed by one Doctor Jacob Arents, and some other Persons, in taking upon them to dispose of sundry Tracts of Land, belonging to the General Proprietors in common, and not appropriated to any one by Patent or Survey recorded, and thereby deceiving many honest and well-meaning People into the purchasing of such Lands. Now publick Notice is hereby given, by Order of the aforesaid Council of Proprietors, for the preventing of any further Impositions, on the good People of this Province, that they be wary how they purchase any Lands of the aforesaid Doctor Jacob Arents, or any other Person, without being fully convinced that the Lands by them offered to Sale, have been duely patented or surveyed, and returned by the Surveyor-General, and that the Return of the Survey is upon Record; without which appearing, they may depend on it, that an Imposition is intended: and if any Purchaser neglects this Care, he is to blame himself if he be imposed on.

By Order of the Council of Proprietors,

LAUR. SMYTH, Clerk.

think a bare Running round of Land, with a Deputy's certifying he had so done, could make a Title to it: It's this third Case of Arents which we so forewarned the People from being imposed on by, that, we believe, gave rise to those Pretenders, mentioned in Mr. Jenkin's Letter; and whether any more such have arisen we know not, as they have not come to our Knowledge; and the Mark he gives of such Pretenders is a good Sign to know them by, *viz. That they refuse to warrant and defend the Lands which they offer to sell;* for the true Owners will never scruple giving that Security to the Purchasers; nor do we know of any of the Proprietors that do ever refuse to warrant and defend; but tho' Sellers should be willing to warrant and defend, yet we think prudent Men ought also to observe the Cautions in our said Advertisement.

We know of no other Cases that can be assigned for Fifty Years past, where Recompense has not been or may not be had, to make good the Allegations of the Rioters, in the Post-Boy's Paper; nor do we believe in the Whole that Fifty Persons in all that Time have been imposed on by those three Cases, or any like them without Recompense; which must fall far short of the whole Country, consisting of 50,000 People and upwards; and we doubt much if the same can be said of any other Body of Men so numerous in Proportion as the General Proprietors; nor do we believe it could be said of the Proprietors of East New-Jersey, were it not for the stopping of Dividends till Justice is done, which, as before is said, lays a furthur Tye upon them than other Men are subject to; but were there more People imposed on (we beg Leave to repeat) is it in the Power of the General Proprietors to hinder wicked Men from becoming Proprietors along with them, either by Purchase or Descent? And if the Laws in Force be not sufficient to punish wicked Practices, the Legislature can make what further Laws they think

proper for that Purpose, in which we should most heartily join, were they needful; but we know of no Defect, as the Laws fully point out what is and what is not a Title; and if People will venture to buy Titles over the Belly of the Laws, are not they to blame and not the Laws?

We never heard of such a Purchase as *Mr. Van Gesin's Purchase*, or *Horse-Neck Purchase*, until within these two Years, that we have been told, that two such Deeds from some Indians had been procured, bearing Date in or about the Year 1701; but by whom, or from whom in particular we have not as yet learnt: We have also lately heard, that about thirteen Months ago, the People thereabouts had procured an Indian to come from Navesinks, about 40 or 50 Miles off, who signed some Writings, while in Company with the Persons said to be the Committee mentioned in the Paper in the said Post-Boy; but what these Writings so executed were, was kept a Secret from the Witnesses; if they were Deeds of Lands from that Indian, or the Deeds of what's called *Mr. Van Gesin's Purchase*, and *Horse-Neck Purchase*, we know not: But if they were; or be they granted or dated at any Time whatsoever; its evident, that by the Act of 1703, they are void; and if done in 1701, as pretended, its obvious from the Act of 1683, herein before mentioned, that the Transactors thereof were Criminals, for so treating and accepting of Deeds; and not only so, but they are liable to the Penalty of 40 s. per Acre, for every Acre bought of such Indian, after 1703, as well as to the Penalty of 20 s. for every Log or Tree by them cut on such Lands on Pretence of these Deeds, or any other Way, without Leave of the Owner; and that whether the Lands belong to the Proprietors in general, or to others in particular.

Notwithstanding what is suggested by the Post-Boy and Mr. Jenkins, we are well assured, That since the

first Settlement of New Jersey, there is not one Instance can be assigned of any Breach of Peace with the Indians thereof, (tho' very few of the other Provinces can say so as to their Indians) nor that any Proprietor ever presumed to dispossess one of them, or disturb him in his Possession; but have always amicably paid them for their Claims, from time to time, as they could agree with them; nor was the Crown, nor the Legislature of the Province of New-Jersey, now for Four Score Years past, since the Settlement of this Province, ever put to one Penny of Charge or Expence, for keeping the Indians thereof in Peace, in Bounties, Presents, or otherwise; which is well known to be far otherwise in other Provinces, and may and probably will soon be otherwise here, if some late Tamperings with the Indians thereof be neglected and past over with Impunity. But if it be true, what the Rioters pretend, that they have bought the Indians Right; then have the Indians no Right to those Lands;—and if the Buyers have possessed the Lands *one Score* instead of *some Scores* of Years, as they say they have done; the mean Profits they have reaped of them, may reasonably be esteemed much above five Times the Value of the Purchase Money (unless they bought at a Rate much dearer than has been usual.) But if they had not reaped so much; yet what Right the Rioters acquired by those Purchases, and what Rewards are due to them for so purchasing, the Acts of 1683, and 1703, declare; and on producing their Purchase-Deeds, its presumed those Rewards will not be kept back from them.

And tho' the Proprietors are, by the fundamental Rule aforesaid, to purchase from the Indians from time to time, as there should be Occasion; yet they know of no other Limitation of Time for that Purpose, than before they enter on any Indian Possession.

We are sorry to say, that tho' there has constantly

been Receiver Generals appointed by the General Proprietors, and those duly admitted by the Government, pursuant to the Royal Instructions aforesaid, and notified by publick Proclamations; yet there has of late been a great Backwardness in paying to them the Quit-Rents; but the whole Arrears thereof due, in the whole Province of New-Jersey, we do not believe (should the Account be stated) would amount to £.15,000.

We know of no Confusion in this Province, but what the Rioters and their Accomplices have made, and are animating the People to make, upon the false and unfair Suggestions in the Post-Boy's Paper, in hopes to wrest from the General Proprietors both their Rents and Lands, and to set up sham Deeds procured from strolling Indians, for a few Bottles of Rum, or such Considerations, in place of the Title of the Crown of England to the Lands of New-Jersey; an Attempt so daring, that they cannot hope to succeed in it, without not only oversetting the fundamental Laws and Constitutions confirmed by many Acts of the General Assembly of New-Jersey; but also withdrawing their Allegiance from the Crown of England, which must support its own Title to New-Jersey, as well as to its other Provinces. — How unequal to that Task are those poor deluded Men, who have been led into the Committing those Riots, they must soon see, if they'll give themselves the least Time to reflect! — So deluded are they to presume, and so impudent are their Seducers, to make Appeals to God, and demand his Blessings on their Crimes and Breaches of the Laws of the Province; and to assert themselves to be the King's dutiful and loyal Subjects, while breaking his Goals, and trampling his Authority and Laws under Foot.

Tho' neither the General Proprietors nor their Council were privy to the Treaties hinted at in the Post-Boy's Paper, or concerned in any Ejectments or Suits

there mentioned; yet as Messrs. Alexander and Morris, supposed to be the two Persons meant by the Letters A—r and M—s, were privy to them, and are two of our Body, we have desired, and they have given us an Account of what concerns them, as follows, viz.

They say, and it appears to us by the Records in Lib. O. 212, and Lib. G. 368, that there was in June, 1701, the Quantity of 13,500 Acres of Land surveyed and patented at Horse-Neck, to Sir John Moore, Knight, Sir Thomas Lane, Knight and Alderman of London, and other Proprietors, in and about London, commonly known and called by the Name of the New-Jersey Society, in Right of their second Dividend for two Proprieties and a half, or Twelfth-fourth Parts of East New-Jersey. They say also, that by deed recorded Lib. AB. 2, fol, 106, in the Office of the Proprietors Recorder, and in Lib. F. 2, fo. 376, in the Secretary's Office at Perth-Amboy, they with Mr. David Ogden, purchased the said Tract of Land, in the Name of Mr. Alexander, having many Months before agreed for the Purchase; that after the Purchase was agreed for, they caused the said Tract of Land to be carefully surveyed; and found 35 Families settled thereon, whereof several were *bona fide*, Purchasers from other Proprietors about 30 Years ago, under mistaken later Appropriations interfering with the said Tract; and as to all those, except one, they have agreed with the Heirs of the Vendors to confirm the Heirs of the Purchasers; which one they are in hopes they shall in like Manner agree with; and as to the remaining People, settled without any Title, they offered the Refusal of either leasing or buying the Spots they were settled on, with Covenants to warrant and defend the Purchasers and Lessees against all Persons; and many of them treated with Mr. Ogden for that Purpose, and he thought they had agreed; but afterwards finding the People spirited up to depart from those Agreements, Mr. Ogden, in

behalf of himself and Partners, wrote a Letter to them on the 22d of December, 1744, whereof N^o II.¹ is a Copy, and had six Copies of it delivered amongst them, with Request to communicate it to the rest. Afterwards, to wit. January 29th, 1744-5, the Partners agreed to write another Letter to them, whereof five Copies were sent to so many of the most leading Men to show to the rest, two of which only were received, the other three being refused.

It's by a Letter of March 2d, 1744, from Mr. Ogden, that his other then Partners say, they had the first Notice (that they remember) that the People pretended to hold by an Indian Title; from whom this Indian Title was, or when granted, no Information was had; but that they were absolutely determined not to lease or buy, but to depend on some Indian Title: Whereon it was agreed, that Mr. Ogden should cause some of the most leading Men to be served with Declarations in Ejectment, at the same Time acquaint-

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No. II.

Sir,

Newark, December 22, 1744.

Having often attempted an Agreement with several of you, living on the Tract of Land at Horseneck, purchased by us James Alexander, Robert Hunter Morris, Esqrs. and David Ogden, and even after Proposals have been more than once consented to by many of you, the same have been afterwards denied, to our great Expence; and now are informed, that you dispute our having any Right to that Land; which lays us under the Necessity of having our Affairs settled with you out of hand; and in order thereto, make the following Proposals. First, either that each of you take a Lease from us, for one Year, without paying any Rent for your Farms, and then to deliver us the Possessions; 2d, Or that each of you take a Lease for three Years, commencing the first Day of December Instant, each paying the yearly Rent of his Farm, the Sum affixed to his Name in the first Column of the inclosed Paper; 3d, Or that you purchase from us, sufficient for a Farm or Plantation where each of you live, at the Rate likewise affixed for every Acre, to each of your Names in the second Column of the Writing inclosed.

As this Tract of Land has cost us a great Sum of Money, and the Interest thereof daily arising is very considerable, our full Purpose is, not to be trifled with any longer; therefore we expect a speedy Compliance, with some one of the above three Proposals; pray inform your Neighbours living on said Tract with this Letter, and also with the inclosed Writing; so that if any of them be put to Costs for their Non-Compliance with some one of said Proposals, it may not arise from Want of Notice thereof from

Your humble Servant,

DAVID OGDEN,

To Mr. Francis Spier, and others living
on the Society's Patent, at Horseneck.

For James Alexander, Robert Hunter
Morris, Esqrs. and himself.

ing them, that if they agreed to any of the Proposals of the Letter of December 22d, that the Partners would be at all the Costs of those Suits.

At or near the Day appointed by the Letter, N^o III. Messieurs John Low and John Condit, met with the then Partners at Perth-Amboy, but brought no Council at Law with them, as by that letter was desired; however the Partners showed them their Title, and told them, they were ready to comply with either of the Proposals in the Letter of December 22d; which they refused to accept: And Messieurs Alexander and Morris, declare they remember not their proposing to join Issue in any one or two particular Cases for a Tryal, in Consideration they might have Liberty of Appeal home for England; and they conceive the Proposal, if any such had been, would have been idle in it self, seeing they could not hinder them to join Issue in what Causes they pleased to defend, nor could they debar or hinder them of an Appeal to England, if the Defendants thought proper to make; and they say, they do not remember that those Gentlemen ask'd of them to stay Proceeding in the other Ejectments; but if they had so ask'd them, it's more than probable that they refused to comply with that Request, as no Ejectment against one could any Way affect any other Person; and to have consented to proceed against only one or two Persons at a Time, and when those were determined, to proceed against another one or two; while in the mean Time the Defendants were cutting and destroying their Timber and Land at their Pleasure, they think would have been an unreasonable Demand, and would have been a Folly in them to have consented to.

They say, that having heard that an Indian from Navesinks, had, a few Weeks before, been sent for and executed some Writings in Presence of the Committee, which they suspected to be Indian Deeds, they

conceived it their Duty, to acquaint those Gentlemen with the Danger of such Practices, by pointing out to them the fundamental Rule aforesaid, as to Indian Purchases, the Act of 1683, aforesaid, by which it was criminal to make such without Licence; and the Act of 1703, by which they were void, and a Penalty of *Forty Shillings* for every Acre so bought; which they did accordingly out of the original Bill against some People of Elizabeth Town, filed with Mr. Bartow, Clerk, then laid before them, where these Matters are set forth at large; and also produced to them the original Instructions to Lord Lovelace, (who was the second Governor of New-Jersey under the Crown) under the Seal of Queen *Anne's* Privy Council of Great-Britain, and her Royal Sign Manual, and that Part thereof, concerning Indian Purchases herein before mentioned; whereupon Mr. John Low declared, that he had not before looked on Indian Claims in the Light he then did, and would acquaint the People in whose Behalf he came, with the Facts shown to him, and they could act as they should think fit, or to that Purpose; whether they were so acquainted or not, Mr. Low, and those People best know.

Alexander and Morris say, that as all their Proposals were refused, they proceeded in the Ejectments brought before, and commenced sundry more; in every or any of which, the Defendants might have joined Issue if they had pleased, and appealed to England if they went against them; nor was it in the Partners Power or Desire to hinder them from so doing; but no Defendants were enter'd to any one Suit; so that Judgments were obtained against the casual Ejectors, and thereby none of the Possessors had one Penny of Costs or Charges of those Suits to pay, or of any other Suits whatsoever, to their Knowledge or Belief: They say they are Strangers to any Treaties with those People afterwards, otherwise than

by Information from Mr. Ogden, who differs far from them in the Account of them; but he was so far from doing any Thing to hinder them from transmitting their Affairs and Circumstances home to England, to lay them before his Majesty King George in Council, as they say they were designed to do, that upon the Committee's complaining of want of Money for that Purpose, he offered to lend them what Money they wanted for that Purpose, on the Bonds of the Committee, without any other Security; which Offer they refused to accept of.¹

They do declare, that tho' the said Families without Title, have committed great Waste of the Timber on the said Land, that they never threatned nor had Thoughts of bringing any one Action on the Act of 1713, of Twenty Shillings Penalty for each Tree; nor did they agree or intend to bring any one or more Actions of Trespass for the Damage, or mean Profits of the said Land, and Costs of the Suits of Ejectment, tho' it was lawful for them so to have done, and is usual in the like Case. The offering a Lease for a Year without any Rent (which was one of the three Proposals of December 22d, and the Offer renewed at the Meeting at Perth-Amboy) was in a Manner an Acquittal of those Things, and had they desired it they should have had Acquittances in Form.

As to the Action of Trespass against Baldwin, on which the first Riot was committed, it was not for trespassing on the said Tract, but upon a Tract adjoining to it, belonging to Infants, the Children of Richard Ashfield, deceased; and on which the said Baldwin made great Havock with his Saw Mill, of the best Timber thereon; and tho' forewarned, would not desist, but in Defiance continued so to do, to the great

¹ The Letter is annexed as a note, but is not printed in this connection, being unnecessary after the statements in the text.--Ed.

Impoverishment of the same Land; and so he continues as well as other the Rioters to do, in making all the Waste and Havock they can of the Timber thereabouts, in hopes of Impunity from those Riots.

That they have been informed and believe, that at the first Riot there was no more than seven of the People of the said Tract of 13,500 Acres, and fewer at the last Riot; and that they verily believe, those People had no Thoughts of opposing their Title, or of committing any such Riots, till spirited up by some Men who have formed the daring Design aforesaid, of wresting from the General Proprietors both their Rents and Lands; and of setting up sham Deeds, procured from stroling Indians, in Place of the Title of the Crown of England; and the People of the 13,500 Acre Tract, were so far from having any such Thoughts, that they gave their best Assistance in carrying the Chain, and in other Services, and the best Entertainment their Houses could afford, and the civilest Usage in their Power, during the Survey thereof, before mentioned.

And upon the Whole, we the Council of Proprietors conceive, its no Wonder that the Bait of the Seducers has been catch'd at by a Number of poor, weak and ignorant People, seeing it was covered with so great seeming Advantages, as for a few Bottles of Rum bestowed for Indian Deeds, to be not only discharged of Arrears of Quit-Rents, and to be clear of paying Rents for the future; but also instead of paying *Ten or Fifteen Shillings per Acre* to the Proprietors for Land, *they can in this Method, have them for less than Ten or Fifteen Pence per 100 Acres*: Animating Prospects indeed! But if they will with Coolness consider what they give up by snatching at the Bait; *their Allegiance and the publick Peace*; and that they expose themselves to the *Punishment due to Sedition, &c. &c.* It is hoped they will be sensible of the Danger they run,

and act as all other good Subjects do, by making *the Laws* and not *Force* the Measure of their Rights.

From the printed Letter of Mr. Jenkins to the People Newark, there seemeth Reason to suspect, that neither he nor the other seduced People, have been acquainted with the fundamental Rule, Act of 1683, and Act of 1703; and Instructions concerning Indian Purchases shewn, to their Committee, as before mentioned, but have been blindly led on by a *Position*, *That the Indians were once the Owners of the Soil*; and therefrom they conclude, *That those who have purchased, or got Deeds of their Right, must also be Owners now*; the Argument seems plausible and of Force, to those who are unacquainted with the preceeding Rule and Laws, and with the Nature of *the undeniable Rights of the Crown of England*.

But suppose (for Argument Sake) the Position aforesaid to be true, yet, has not the Crown of England a Right to those void or uninhabited Countries, which are discovered by any of its Subjects? Has not the Crown of England a Right, to restrain its Subjects from treating with any Heathen Nation whatsoever? And has not the Crown of England, in Consequence of that Right, Power to grant the Liberty of treating with any Heathen Nation, to any one particular Person, exclusive of all others, and that upon such Terms as by the Crown may be thought proper? Has not the Crown of England at least granted that Right to the Proprietors, by Grants of New-Jersey under the Great Seal of England? Had not the Proprietors, by Virtue of those Grants, a Right to make the fundamental Rule before mentioned? Or rather, was not that fundamental Rule a Notification of what was the Right of the Proprietors antecedent to it? Had not the Legislature, in the Year 1683, the Right to declare the Breaches of that fundamental Rule to be criminal, and tending to Sedition? And is it not obvious from the

two late Riots at Newark, that they (Sixty-two Years ago) foresaw the Consequences of the Breaches of that Rule! Had not the Legislature, in the Year 1703, the Right to declare all Indian Deeds obtained contrary to the said Rule to be void? And had not they a Right also to impose a Penalty of *Forty Shillings per Acre*, upon every Person who should break thro' that Rule? Had not the People of New-Jersey from the above Rights of the Crown, from the very Nature and Reason of Things, from the said fundamental Rule, and from the said two Acts of Assembly, sufficient Notice, that the Proprietors had the sole Right of making Purchases from the Indians as they should see Occasion? Could any other Person's making Purchases, in Defiance of the said Rights of the Crown, Rule and Laws, intitle the Purchaser to any Thing further, than to the Punishment of Sedition prescribed by the Act of 1683, and to be subject to *Forty Shillings per Acre* Penalty by the Act of 1703? And had not the Legislature in the Year 1713, a Right to impose a Penalty of *Twenty Shillings* for every Tree that any Man should cut on Lands not his legal Property? And are not all those Laws now in Force? If not, what has taken away the Force of any one of them?

Suppose again (for Argument Sake) that there had been no such Rule nor Acts of Assembly as before, yet if the Crown of England and its Assigns, have the sole and exclusive Right of treating with the Heathen concerning Lands; is it not an Usurpation of the Right of the Crown, for any other Man even so much as to treat with them on that Head? And doth not an Usurpation of the Right of the Crown in its Nature approach to High Treason?

To pretend to hold Lands by an Indian Deed only, is not that declaring the Indian Grantor to be the Superior Lord of that Land, and disowning the Crown of England to be so? And is not that an Overt Act of

withdrawing the Allegiance due to the Crown of England? (from which all Lands within its Dominions must be held mediately or immediately) Or is it not an Overt Act or Endeavour, to establish the Dominion of the Indian from whom the Tenure is, and to destroy the Dominion of the Crown of England in this Province? And do not those Overt Acts or Endeavours in their Nature approach to High Treason?

If the Facts of barely treating for, or procuring an Indian Deed, without the Right of the Crown of England so to do, be in their Nature approaching to the Crime of High Treason, what must be the Pretence of holding Lands by them only?—The assembling of Multitudes in a riotous Manner to defend such Pretence?—The obstructing with those Multitudes the due Course of the Law?—The taking from the King's Officer, the Sheriff of the County, the Possession of his Majesty's Prison?—The breaking open his Majesty's Prison, and rescuing the Prisoners there lawfully committed, &c. &c.? And what must the publick avowing of all those Things in Print, by the Post-Boy of February 17th, and Mr. Jenkins's Letter be?

These are Questions, that had the Seducers been honest Men, they would have considered, *first*, how they could have answered them themselves? And if they could answer them to their own Satisfaction, without withdrawing their Allegiance from the Crown of England; then, *secondly*, they ought to have acquainted the People with them and with their Answers, and ought not to have blindly led a poor ignorant People in the Dark, into the Crimes they have committed against those Laws and the King's Peace, and all this thro' the *silly Position* aforesaid, *false in it self*, as the Indians had no Notion of Property in Lands more than in Air, until the Christians came amongst them (except in the small Spots on which they planted their Indian Corn, and those Spots did

not occupy so much as one Acre of a Thousand Acres; so that the remaining 999 Acres might properly be said to be void and uninhabited, and in the Power of the Crown absolutely to grant; and except as to Hunting.)

And as by what we have now published, Mr. Jenkins, and other the People seduced, will be acquainted with what, we apprehend, has been kept hid from them by the Seducers; we hope they will be sensible of the Crimes they have committed or countenanced, and abhor them and the Seducers; will burn their Indian Deeds, that they have lately got for some Bottles of Rum, that they rise not in Judgment against them, to subject them to the Punishments and Penalties of the Laws, and flie to the Mercy of the Laws, for the Expiation of their criminal Riots, and to the Mercy of the Owners of the Lands they have been pilaging and wasting, to make them what Amends is in their Power for so doing.

By Order of the Council of Proprietors of East New-Jersey.

LAUR. SMYTH, Clerk.

Samuel Nevill's¹ Speech in the Assembly of New Jersey—in answer to the Rioters' Petition.

[From New York Post-Boy, May 19th and May 26th.]

Mr. Nevill's Speech to the House of Representatives of the Colony of New Jersey, on the Second Reading of the Petition, from a

Samuel Nevill

came to East Jersey in May, 1736, brought out by the death of his sister, who had been the wife of Peter Sonmans and inherited his property. Mr. Nevill had been editor

of the *London Morning Post*, and the few memorials of him still existing indicate the possession of character and talents much above mediocrity. He soon rose to

Number of Persons stiling themselves Inhabitants chiefly of the Northern Part of the Province of New-Jersey, on Saturday the 26th of April, 1746.

Mr. Speaker,

I look upon the Petition now read, as a scandalous, false, abusive and inveterate Libel, upon a Set of Gentlemen who are more immediately under the Protection of his Majesty, as will appear by the Instructions given by the Crown, to the several Governors of this Colony, ever since the Surrender of the Government; I mean sir, the Proprietors of East New-Jersey, who are by the Petitioners traduced as guilty of Unjust Molestation, Virulent Oppression, Pretenders to Propriety, Invaders of the Rights and Properties of the People, and Encroachers upon the Heathen and Indian Natives, and True Proprietors of the Lands, under whom the Petitioners claim their Titles and

eminence in the Province, became a Judge of the Court of Common Pleas, Mayor of Perth Amboy (then no trifling position), Second Judge of the Supreme Court, and filled several other important offices to the credit of himself, and it is believed to the satisfaction of the Government and the well disposed among the people. He was a member of the Provincial Assembly at various times, and prominent in the dissensions which occurred during Governor Morris' administration. In 1752, while holding the office of Second Judge of the Supreme Court, Mr. Nevill commenced the publication of the laws of the Province in two volumes folio, which was a valuable service to the Province. In 1758, under the *sobriquet* of "Sylvanus Americanus,"—in imitation, probably, of "Sylvanus Urban," of the London *Gentleman's Magazine*—he commenced editing a monthly periodical published at Woodbridge by James Parker, called *The New American Magazine*, being the first periodical of any kind printed in New Jersey, and only the second monthly magazine on the Continent. The appellation "New" was to distinguish it from its only predecessor, published in Philadelphia, which, however, was discontinued on the appearance of its competitor. On the death of Chief Justice Morris in January, 1764, he would probably have been raised to the vacant bench had not the infirmities of age rendered the performance of its duties by him impracticable. He died in October following, in the sixty-seventh year of his age. Whom he married is not known, but his wife preceded him to the grave, dying in 1755, and their simple headstones of gray slate yet mark their places of sepulture in the graveyard of St. Peter's Church, Perth Amboy. They left no children.—See Contributions to the Early History of Perth Amboy, pp. 120-124, etc.—ED.

Rights to their Possessions; and thereby deny the Right and Property of these Parts of the English Dominions to be vested in his Majesty, and charging the Crown of England with a Royal Fraud, and as guilty of the greatest Injustice; for the Proprietors cannot come under these opprobrious Denominations, they having honestly paid for the Land which they claim Title to, and fairly obtained good and sufficient Conveyances for the same from the Crown, as manifestly appears by the Records of this Province. How this Honourable House will treat this Bold Attempt upon the Prerogative of the Crown, by calling in Question his Majesty's Right and Title to the Soil of New Jersey, who is the Proprietors immediate Warrantor and Defender, I must submit; and shall now only beg Leave (in Behalf of those injured Gentlemen, Proprietors) to answer the said libellous Petition, Paragraph by Paragraph. The Petition begins thus:

“We, our Ancestors, Predecessors, &c. having (as we suppose) made a Full and Just Purchase of sundry Tracts of Land (situate in this Province) of the Heathen Native Proprietors and Owners thereof, and of and from them, obtained Good and Lawful Grants or Deeds of Conveyance of the same, some of which Lands having been possessed by our Fathers and us some Scores of Years, we thought our *Rights* and *Properties* secure from Invasion, &c.”

This, Mr. Speaker, I conceive is a Notorious Libel upon the Crown of England; for if the Purchases and Conveyances made and obtained by the Petitioners be Full and Just, Good and Lawful; then consequently the Purchases and Conveyances made and obtained by the Proprietors from the Crown of England, must be Void and Unjust, Bad and Unlawful, and of Course a Royal Fraud. But that the Crown fully intended to make good their Right and Title to the Lands of New Jersey, and to confirm them to the Proprietors, (to

whom they had conveyed them) plainly appears by the Instructions given by Queen Anne, to the Lord Cornbury, the First Governor of New Jersey, after the Surrender of this Government to the Crown. And this set of Instructions, Sir, agreed on at that Time to be granted by the Crown as their Concessions to the People, may be justly deemed the *Magna Charta* or Great Charter of the Colony of New Jersey; and to break through any of them, I esteem as an Infringement upon the Liberties and Properties of the People here; they being founded upon the Royal Word or Grant, and being Part of the Condition of the Surrender of the Government. I shall beg Leave, Sir, to read that Part of the Instructions relating to the Proprietors. [See the Substance in the Proprietors' Publication.¹]

These Instructions, Sir, have always been continued to the several succeeding Governors, and I doubt not are continued to His Excellency our present Governor to this Day; and were also recommended by His Excellency the Lord Cornbury to the first Assembly of this Colony after the said Surrender, in his first Speech to them, which I beg leave to read from the Minute Book of the said Assembly, now lying upon the Table, in the following Words, viz.

“I am likewise commanded to recommend to your Care the preparing one or more Bill or Bills, whereby the *Right and Property* of the *General Proprietors* to the Soil of this Province may be confirmed to them, according to their *respective Titles*, together with all *Quit-Rents*, and all other Privileges as are expressed in the *Conveyances* made by the *Duke of York*; except only the Right of Government, which remains in the Queen.

In Consequence of which Recommendation, the first

¹ See page 297 of this volume.

Act that appears in the printed Laws of this Colony, and the first and only Law that pass'd here in that first Assembly after the Surrender as aforesaid, related to Indian Purchases; which I crave leave to read from the printed Book, it is entitled, &c.¹

Now, Sir, by the Petitioners own Words it plainly appears, they have only Indian Purchases, which (by the Act of Assembly now read) are absolutely void. And as a further Demonstration of the Illegality of the Indian Purchases, I desire to read some Abstracts from the Proprietors Publication.

This, I think, Sir, is a full Answer to that Part of the Petition; for by the Concessions and fundamental Constitutions, and by the Laws of the Province these Purchases are *Void*. The Petitioners go on thus:

“And whereas divers Persons, pretending Propriety in the said Lands, have, in the late Years past, given us great Uneasiness, by surveying great Part of our purchased Lands, with many Improvements and Settlements, selling some, and offering the rest to Sale, serving sundry Ejectments on the long possessed, as aforesaid, and threatening to dispossess all the rest, who would not either purchase their Lands of them (at a very dear Rate too) or become their Tenants, &c.”

As to this Part, Sir, I say, that the Indian Purchase being Void (as before observed) they can have no lawful Pretensions to these Lands; and by what has been already read, I leave it to the Honourable House to

¹ The Substance of it is in the Publication of the Council of Proprietors of East Jersey, of March 25th, 1746, page 297 of this volume.

The Publication referred to in this Speech, is that Edition of it printed by itself, consisting of 11 Pages in folio.—The same Publication was reprinted in each of the three New-York News-Papers, divided into four Parts. The first Part, printed in the News-Papers of April 7th, 1746.—The second Part, printed in Papers of April 14th.—The third Part, printed in Papers of April 21st.—The fourth Part, printed in Papers of April 28th.—By the Help of this Note, any one, who has only one of the Editions in the News-Papers, may easily find the Places there corresponding to the separate Edition here referred to.

Note also, That a Copy of that Edition of the Publication referred to, was delivered to each Member of the Assembly of New Jersey, on the 9th of April, 1746.

judge, whether the Proprietors have not an undoubted Title to the same, and a Right to survey those Lands, and to bring Ejectments, or any other Suits, against such as wilfully withhold the Possession from them, and to make Sale of the said Lands at their Pleasure. But to go on with the Petition;

“And withall to bring a Resurvey upon all the Lands, even such as were of themselves bought or patented, &c.”

I beg leave to say, Mr. Speaker, That these poor ignorant People have been much imposed upon by some designing Persons: For this Part of the Petition is an absolute and wicked Falshood; tending only to disquiet and terrify the People, and to amuse this Honourable House, by endeavouring to prepossess them in Favour of their unjust and illegal Proceedings. For I have for many Years past, Sir, sate with the Council of Proprietors of East New-Jersey, have examined all the Minutes from the Year Eighty-five (being their first Meeting in these Parts) to this present Time, and have never met with any Motion, or the least Hint of that Kind in their Minutes, or in their Books of Record; nor have I ever heard any of the present Council of Proprietors make mention of any such Thing, but on the contrary, when they have heard of such base Stories being spread abroad, they have all declared their Detestation of any such Practice. The Petitioners say further:

“And make all Persons who have Patents, &c. pay unto them Quit-Rents, contrary to the True Meaning and Intent of the same, &c.”

This is both False and Ridiculous in itself: Can it be supposed the Proprietors would be so foolish as to demand Quit-Rents where there are none due by the Patents? And where the Grantees hold their Land by no other Service but paying such Rents as are specify'd in their Patents, have not the Proprietors a Right to

demand them? Can a Person renting a Farm a Hundred Years upon Lease, condition'd for the Payment of such an annual Rent as is specify'd in his said Lease, justly say he is injured, if his Landlord permits him to make use of his Rent Money for Fifty Years without demanding it? Or has the Tenant any Right to refuse the Payment of it when demanded? Or to claim the Farm as his own without any Acknowledgement, because of such an Indulgence? But to proceed:

“ And moreover to load them with Multiplicities of Law Suits (which as Experience shews) exposes, especially Men of quiet Minds, to exorbitant Expence and Costs as well as Fatigues, &c. By which Acts and Threats as aforesaid, which we imagine to be Unjust Molestation and even Virulent Oppression, &c.”

The Proprietors in general have brought no Suits against these Men, nor threaten'd any: Two of that Board, viz. Mr. Alexander and Mr. Morris have brought Suits against some of them; their Reasons they set forth in the said Proprietors Publication, which (as every Member hath been presented with one of the said Answers) for Brevity Sake, I refer.

By that their Answer, Mr. Speaker, the House may see, that these Gentlemen have acted fairly and candidly by these People, have put them to no exorbitant Expence and Costs, as they alledge, nor even to one Farthing Expence: And it is well known, that in Cases of Ejectment, when no Defence is made, no Costs can be recovered; and if a Title is defended, and no Right appears in the Defendant, is it not reasonable he should pay the Costs? However, let us hear further;

“ We were animated to seek the Transmission of our Affairs and Circumstances (relating to our *Inherited Rights and Properties*) Home to England, and lay them before the King in Council, hoping in such a due and regular Way and Manner of Procedure, to have our justly purchased, (as we suppose) and possessed

Lands and Inheritances to us warranted, secured, and defended by the Laws and Liberties of our Nation: To which End and Purpose, we chose a Committee to act for us, &c. who have endeavoured (maugre all the Projections of the adverse Party) to cause a Supercession in that Affair, &c.”

By those Gentlemen's Reasons, Sir, set forth in the Proprietors Publication, before mentioned, it plainly appears, that they were so far from hindering these People from transmitting their Circumstances home to England, or causing a Supercession (as they term it) in that Affair, that Mr. Ogden offer'd them fair Proposals for that Purpose, nay even to lend them Money to defray the whole Charge of it. The Petitioners further say,

“The Prosecution of our Design to Effect, tho' by slow, yet we hope by Regular and Sure Steps, &c.”

I must confess, Mr. Speaker, that I know not what these Gentlemen mean by *Regular and Sure Steps*, unless it be by a *Club Law*, (which is now become a By-Word, and is too much encouraged by inconsiderate People) and that is a Sure Step indeed, to try a Man's Property by Knocking out his Brains! Or unless it be by Flying in the Face of the King's Authority, Breaking Goal, and Terrifying and Abusing the Officers and Magistrates, who endeavoured to put the Laws in Execution; And these are such *Regular and Sure Steps*, which must certainly end in the Destruction both of the Constitution and the Colony; and which, I am sure, the Honourable House will never countenance. The next is a very modest Paragraph, I must confess, especially considering the Petitioners are suing for the King's Mercy!

“It is humbly confessed and declared, the *Oppressions and Fraudulent Dealings* we have met withall, from and by the Proprietors so called, their Threatnings, commencing of Suits, and such Prosecution

against us, *on such Pretences* as theirs is, and under such Circumstances as ours are, is the only *Ground* of that *Exasperation*, which hath been in this Part of the Country generally, and hath occasioned the late Stirs among us, *particularly* at Newark, &c."

This, Sir, is certainly an Original in it self, and deserves a more particular Remark! What do the Petitioners mean by the Proprietors so called? If they deny the King's Supremacy here! If they deny his Right and Title to the Lands of New Jersey! If they deny the Holding of Lands in this Colony by the Laws of England to be Good! And so consequently deny their Dependance upon the Crown of England for their Properties! Then are the Proprietors Pretenders, and may be stiled the Proprietors so called: Property carries no double Face, Sir, it is either Property or Not Property; and the Dispute now is, whether the Property in the Soil of this Colony is vested in the Crown of England, or in the Indian Natives? A dangerous Dispute to be disputed, Mr. Speaker! Again; Carrying on such Prosecutions against us on such Pretences as theirs is, and under such Circumstances as ours are: On such Pretences *as theirs is*, that is, an absolute Conveyance of all the Lands in New Jersey, both mediately and immediately from the Crown of England to the Proprietors and their Heirs and Assigns forever. *And under such Circumstances as ours are*, That is, a Multitude of People, treading upon the very Heels of Rebellion, if not actually engaged in it, (as is the Opinion of the King's Attorney General) and setting up the Heathen Indians as true Owners of the Soil, under whom they claim, and so of Course their Lords Paramount; and this, Sir, they urge as the only Ground of that Exasperation which hath been in this Part of the Country generally, and hath occasioned the late Stirs among them, particularly at Newark. A very plausible Excuse truly, and

worthy the Consideration of this Honourable House! In short, I pity the Ignorance of the poor deluded People! They seem to be in a Maze! And endeavouring to find their Way out, they plunge themselves further in, by signing these Petitions: But I think, Sir, the Draftsman (be who he will) is without excuse; First, for craftily advancing such traitorous and seditious Tenets to this Honourable House, in Hopes to have them countenanced here; and, secondly, from behind the Curtain, drawing these poor People into his pernicious Principles, and dangerous Measures, by inducing them to sign these Petitions. As to Part of the Charge, viz. The Oppressions and Fraudulent Dealings they have met withall from and by the Proprietors so called; I refer you to the Proprietors Publication already mentioned, which I think a full and Sufficient Answer. I shall now go on with the Petition.

“For sure it is, should we attempt to enter and engage our Opponents in the Law here, who sees not the Difficulties attending our making a legal Defence, where the Interest in general is on their Side, rendering the Case so difficult with us and on our Side, That we cannot think any Cause between us and the Proprietors so called can have a fair and impartial Hearing and Determination, unless we suppose Men in their own Cause will act uprightly, against their own Interest, which both the Law of Nature and of the Nation rejects, as a Matter not to be depended upon, &c.”

This, Sir, is a heavy Charge indeed! Laid upon the whole Body of the People; Governor and Governed! Judges and Juries! All Tainted or Corrupted! But by the Laws of England no Judge can sit upon his own Cause; and the Chief Justice (being concerned in Interest) cannot sit upon these Trials: Yet what should hinder a fair Trial before Mr. Justice Allen? or even before Mr. Justice Bonnel? for if the latter is concerned

in Interest, it is certainly on the Petitioners Side of the Question. I was myself in Court, Mr. Speaker, last March was Twelvemonth at Amboy, when the Chief Justice absolutely refused to sit, even whilst the Common Rules were made upon these very Ejectments; and Judge Bonnel being sick at that Time, an Express was sent for Judge Allen, who came from Burlington to Perth Amboy, only to sit alone in Court whilst the said Rules were enter'd. So cautious was that Gentleman, the Chief Justice, of leaving the least Room for Reflection that Way; And is it not both unfair and unjust for the Petitioners to suggest, that the Chief Justice would sit as a Judge in his own Cause; and therefore they could not have a fair and impartial Hearing and Determination? But we are highly obliged to the Petitioners for the great Compliment paid to us in the next Paragraph!

“For which Reason we humbly and earnestly beg (having our Eyes to the Legislative Powers; from and by whom our Rights, Properties, and Privileges have their *Rise and Support, &c.*”

This Petition, Mr. Speaker, cannot have its Spring from those poor deluded People; some crafty subtle incendiaries must be at the bottom of it; for this Parenthesis attributing to the Legislative Powers (which must be to the Legislative Powers to whom this Petition is directed) I say attributing to the Legislative Powers here the Rise and Support of their Rights, Properties, and Privileges, is absolutely denying that they have any other Source, Foundation, or Rise and Support, and consequently denying their Dependance upon the Crown of England, for their Properties, under which all our Lands, by the Laws of England, must mediately or immediately be held: And should this Attribute conferred on us by the Petitioners, be passed over in Silence by this House (and thereby made their own) I leave it to their serious

Consideration, whether it may not be esteemed elsewhere a Consent to that Attribute, which I am far from thinking this House aim at; and whether it may not be incumbent on us to demonstrate so to the World, in the most express and explicate Manner I humbly submit. To go on,

“That Way may be made for our Relief here, or Liberty of Application, by our Committee or their Substitutes, to the Head and Fountain of Justice, in order to seek the Redress of our Wrongs and Injuries we have already received, and prevent the like for the future, &c.”

As to this, Mr. Speaker, Mr. Ogden’s Letter in the Proprietors Publication, before mentioned, shews clearly, that the Petitioners have been no Ways hindered from applying to his Majesty, in such Manner as they thought fit: Nay, so far from hindering, that the best Advice that could be given, was given to them by Mr. Ogden, (as they themselves will find, when they advise with any good Lawyer.) And why have they not now in near a Year and a Half, since these Men were animated against the Proprietors Title, I say, why have they not in that Time applied to his Majesty? And why they did reject all the Assistance offered them for that Purpose, they best know; but, I think, that Delay shews, that that Application is a mere Pretence. The Petitioners further pray thus,

“And in the mean Time, that all our past Misconduct, If such, and intemperate Zeal we have any of us been guilty of, may pass away under an Act of Indemnity, &c.”

I shall be far, Sir, from opposing a Pardon to the Petitioners, but shall rather promote it, and heartily wish it may (if obtained) have the good Effect to reduce them to their Duty and Allegiance to his Majesty for the future, which they have certainly (tho’ many of them, I believe, ignorantly) violated; but I wish

they had shown themselves to have been more deserving of it, by a Sense of, and Sorrow for the Crimes they have been guilty of. And indeed I am sorry to find them to betray their Ignorance so much, to this Honourable House, as to question, Whether appearing in Arms; terrifying the King's Subjects; breaking open Goal, and rescuing the Prisoners legally committed by the Governor's Warrant; assaulting and resisting the Sheriff and his Assistants, in the legal Execution of his Office, and beating and wounding them; I say, Sir, I am sorry to find them so ignorant, as to question whether this be a Misconduct or not. The Petition goes on;

“And may all Writs and Processes against any of us, relating to our Liberties and Properties, have a Cessation, at least until such Time as his Majesty's Pleasure may and can be known concerning them, &c.”

As to this, Sir, his Majesty's Pleasure is already known, to wit. That his Courts of Justice (both of Law and Equity) should be open for every one of his Subjects to have Recourse to; and its the Right of the Subject that should be so. *Nulli negabimus, Nulli deferemus; Justitiam vel Rectum*: We will deny to no one, We will delay to no one, Justice or Right, is what the King is sworn to; and that Oath he keeps by keeping Courts open: Nor can the King himself do what the Petitioners pray this House to do, to stay the Proceedings of his Court. If a Title be just and equitable (tho' not legal) there has the King appointed his Courts of Equity to be applied to, to stop Proceedings in Law, till the Equity of the Cause be determined; but that the King himself ever stopt the Course of the Courts of Law, I believe no Instance can be assigned, since *Magna Charta*, and if it could be, it would be only proving that King to have broke thro' his Coronation Oath. The Petition concludes thus;

“And may it please the Honourable House, that

this our Petition be laid before his Excellency in Council. And your Petitioners as in Duty bound shall ever pray."

This, Sir, I shall observe upon, in my Answer to the next Petition, because that concludes much in the same Manner.

I have only now further to observe, that five of the Names signed to this Petition, are the same with those who stand indicted by the Grand Jury of Essex County, for breaking open Goal, and committing a very great Riot in the Town of Newark, and against whom the Governor's Warrant was issued: and above thirty more of the Names signed to this Petition, are the same with those recorded as Rioters, by the Magistrates of the County of Essex, as being aiding and assisting in the second Riot at Newark, when the King's Goal was again broke open, and the Rioters apprehended, by Virtue of the Governor's Warrant, rescued, and the Sheriff, Magistrates, Officers and those assisting them in putting the Laws in Execution, beat and abused; and these very Fellows are either fled, or are screened from Justice by these Petitioners. Therefore what Encouragement, Sir, this Petition ought to receive from this Honourable House, I submit.

[On a Second Petition.]

I must confess these Petitioners appear with a little more Modesty; this Petition is not so abusive and reflecting as the former; perhaps the Draftsman (for I verily believe them to be done by one and the same Person) considering these Gentlemen as a Committee or Superintendants over the rest, confined himself the more within the Bounds of Decency and good Manners; but nevertheless this Petition is a little tinctur'd with Sedition, as I shall shew by and by; and there are also many Absurdities and Untruths contained in

it, as I hope I shall be able to make appear plainly to this Honourable House, by my Answer to the same, which I shall without more Delay enter upon as before, Paragraph by Paragraph. The Petition begins Historically, viz.

“That his Majesty King Charles the Second, did, in the Sixteenth Year of his Reign, March 12th, grant to his Royal Highness *James Duke of York*, all that Part of the Country in *North America*, situate even from *Nova Scotia Eastwards unto Delaware River*, &c. with Power to govern and rule the Inhabitants thereof, by himself, or such Deputy Commissioners or Officers as he should appoint for that Purpose. His Royal Highness, by Commission to *Richard Nicholls, Esq;* (*April 2d* following) constituted him his Deputy Governor, to execute (within the above granted Territories) all the Powers granted to himself, &c.”

Situate even from *Nova Scotia Eastwards unto Delaware River*, &c. These Bounds, Sir, (by the Petitioners described) of the Grant to the Duke of York, shew, That they either recite Facts upon Hearsay, or do falsely recite them; for were the Bounds so as they say, then would the Colonies of Massachusetts or Boston, Rhode-Island and Connecticut be included in that Grant; but the Fact is not so: For the Truth is, That a Tract of Land, called Pemaquid, bounding on *Nova Scotia*; is thereby granted, then Long Island, then all the Land from Connecticut River to Delaware River. But to go on;

“Said *Nicholls* (*Anno 1664*) issued Proclamation, &c. setting forth, That the Lands should be purchased of the Indians, and that no Purchaser should contract for himself without Consent of his Associates, or Grant from the Governor: That the Purchasers should be free from Assessments or Rates five Years, and then should only be liable to the publick Rates, &c. according to the Custom of other new Planters and Settlers:

And that all Lands so purchased and possessed, should be the Purchasers and the Heirs, to dispose of as they pleased, &c."

This Proclamation, Sir, I never saw, nor heard of before, and if any such was, I make no doubt (if they'll produce it) it will appear to be no less falsely recited than the King's Grant to the Duke of York: But what Relation those two Things have to New Jersey, I cannot see; nor has the Petition told any Use they were to make of them: They clearly shew either the Falsehood or Injudiciousness of the Drawer of the Petition. However to proceed.

"That his Royal Highness gave to Lord *Barclay* and Sir *George Carteret* the Province or Colony of *New-Jersey* so called, with Power of Governance, which caused a Supercession in the Commission and Powers aforesaid. Lord *Barclay* and Sir *George Carteret*, by Virtue of the Power invested in them, constituted *Philip Carteret* their Governor, who (*Anno* 1666) granted Licence to sundry Persons by Name and Company (under which your Petitioners claim) under his Hand and Seal, to purchase from the Indians within this Government, what Quantity of Land they should think convenient, *Beginning by the Bay, &c. and thence Westward*, or in any other Places in the Province. Pursuant to which your Petitioners Ancestors made several Purchases, by and with the Advice and Consent of said Governor *Carteret*, as is in the said Deeds or Grants asserted; the which were taken and acknowledged before him; the Testimony whereof he has left under his own Hand, &c."

What Licence this is, Mr. Speaker, and to whom granted, I am at a Loss to know, from any thing in the Petition, seeing its not expressed, nor do they offer to shew this Licence, if any such was, nor tell us where it is recorded: But if any such ever was, I think I can be bold to say it's falsely recited; Because

I am well informed there are many Licences upon Record from Governor Carteret to purchase of the Indians and that they all refer to the Concessions of the Proprietors expressly, that the Persons shall comply with all the Directions thereof: And I think I dare safely challenge the Petitioners to produce any Licence from him to purchase, without such Reference to the Concessions; and if any such Licence be, and it has such Reference, I submit to this House how different a Light it will appear in from what by this Petition it is represented: For tho' they had made purchase from the Indians, it plainly appears from the Concessions, That that was not to be their Title; but their Title was to consist of a Warrant, Survey, and Patent, at a Half-penny sterling per Acre; and in the Second Concessions, in 1672, and Third Concessions, in 1674, it's expressly forbidden, That Indian Deeds should be taken in any other Name than the Proprietors.¹ The Petition Proceeds thus.

“As the Inhabitants encreased, &c. our Ancestors, their Associates, and some of us, were constrained to make further Compositions with the Indians, about their Lands, who (as they were the Native Owners, true Proprietors, and Possessors of the same) would not permit either Survey or Settlement thereon, without a precedent Purchase made thereof, &c. Accord-

¹ Copy of one of Governor Carteret's Licences to purchase of the Indians; as recorded in Lib 1, Fol. 9.

WHEREAS Mr. Isaac Tenna, alias La pierre, hath requested my Leave, for the purchasing of a certain Tract of Land from the Indians, on the East Side of Delaware River, within this Government, with an Intent to inhabit and plant the same; These are therefore to permit and suffer the said Isaac to purchase the said Tract of Land from the Indians, --Upon Condition, that he truly perform all such Acts and things, as are contained in the Lords Proprietors Concessions, and to be conformable and obedient to the Laws of this Province. Given under my Hand and Seal of the Province, the 24th June, 1666.

PHILIP CARTERET.

[Other licences are named.]

ingly, (the Right to Purchase being vested in our Ancestors and us) sundry Purchases have been made of the Natives, &c. by those under whom we claim, and by some of our selves; as per sundry Grants or Deeds, duly executed from March, 1678, to March, 1703, for sundry Tracts of Land, situate in the County of Essex, viz. about Newark, and West of the Mountains unto Passaik River, and in the adjacent Parts and Places within this Colony, as namely Acquack, so called, Whipponung and Pefiponung, &c. may appear: All which Lands have been by us, our Associates or Ancestors, fairly purchased; and a great Part of them planted, settled and improved, for which we have paid Rates and Taxes, as an Acknowledgement to the Crown, &c. The which your Petitioners look upon as a just Foundation of a Title to them, against those especially who have not been at any Expence in Purchasing, &c."

If the Petitioners Ancestors, Sir, had a Licence to purchase, and that License had a Reference to the Concessions, as before; yet, as the Concessions directed what should be the Title, viz. Warrant, Survey and Patent, and directed all Indian Deeds to be in the Proprietors Name, and as the Act of Assembly, of 1683, made it criminal to take such Deeds in any other Name than the Proprietors, how can they say that those Lands have been fairly purchased by their Ancestors, from March 1678, to March 1703? For if fairly purchased, by License, pursuant to the Concessions, the Deeds are in the Proprietors Names; if not so, and since 1683, they not only are not fairly purchased, but Criminally; and if fairly purchased, yet no Title (according to the Concessions) could they have, without Warrant, Survey and Patent, at a Half-penny sterl. per Acre, as the Concessions direct. And I make no doubt, but that great Numbers of the Ancestors of the Subscribers to the first Petition, have Warrants, Sur-

veys and Patents, for all the Lands that they were intituled to by the Concessions; and if they had them not, it was their own Fault. These petitioners say further,

“And since it appears, both by the Law of Nature and Nations, that the Indian Natives had a Right to and in the aforesaid Lands, and could not justly be deprived of them, without a voluntary Agreement to part with them; and seeing Purchases of them must necessarily be made, in order to vest the Fee and Soil in the Crown, consonant unto the Practice of even all his Majesty’s Subjects (or the most of them) in these Parts of his Dominions, the which is manifest by the Directions given by his Majesty, and Licences granted by his Governors unto this End: And who sees not (saving only such of whom it may be said that the Dust of earthly Profits has put out their Eyes) how directly and necessarily it will follow, That those of his Majesty’s Liege Subjects, who have duly made such Purchases, may truly be accounted and acknowledged the Lawful Owners and Proprietors of the Land so purchased. Hence therefore we having made the Purchases, Settlements and Improvements, and paid all due Acknowledgements as aforesaid, even for some Scores of Years, &c. do humbly conceive ourselves justly intituled to the quiet and peaceable Possession and Enjoyment thereof; the Claims and Pretences of our Adversaries notwithstanding, &c.”

Upon this, Sir, I shall beg Leave to read so much of the Proprietors Pubpublication as is upon this Head. To go on with the Petition:

“And consequently the commencing of Suits, and carrying on such Prosecutions by our Adversaries, on their Pretences, and under our Circumstances, your Petitioners humbly conceive must be looked upon as unjust, illegal and oppressive. But so it is; (not to mention the Circumstances of this Colony, and the

Officers thereof, many of whom appear our Opponents as being on t'other Side of the Question) notwithstanding the Justice and Equity of our Right and Claim, and the unjust and unwarrantable Pretence of the contrary Party, divers Persons, seeking to make Gain of our Improvements, as well as Lands, claiming by mean Conveyances from the said Duke of York, without so much as a Pretence of any Purchase having been by them (or any others for them made, or Grants obtained of or from the Native Owners and Proprietors, have commenced Multiplicities of Suits against many of us for Recovery of our Possessions and Monies, whereby they have obtained some Possessions and more Judgments; the Consequence of which is, and will be, (unless a Way may be found and taken for our Redress) the Depriving us of our Lands and Livings, which we have spent our Strength and Substance upon, and burdening us with heavy Costs, Charges and Expences, to the Subversion and Destruction of our Families, with respect to the Comforts of this Life: And in Addition to all this, threaten us further, unless we comply with their Terms, which are (in our Apprehension) extremely severe. &c."

In speaking to the other Petition, Mr. Speaker, I have said, That the General Proprietors are not privy to the Suits complained of; and as to the Suits of two Persons who are Proprietors, I then referr'd to their Answers on that Head, which I think are very sufficient to shew they have been both kind and candid in all their Transactions with those People, and done nothing illegal, unjust, or oppressive; if they have, it will lie on the Petitioners, to point it out: For the Using the due Course of the Law to obtain what one believes is his Right tho' it should even not prove so, I believe was never till now deemed *Illegal, Unjust or Oppressive*. As to burdening them with heavy Costs, Charges and Expences; by those two Gentlemen's

Answers it appears, they have not been as yet put to One Penny Costs, nor had they (as I believe) thought of doing it. How far those People's Conduct will oblige the Gentlemen to alter their Minds on this Head, is what I don't know. The Petition says.

"It would even fill a Volume to enumerate all our Grievances; may your Petitioners crave Leave to refer you to what is inserted in Mr. Parker's Post-Boy of Feb. 17th, and in the Petition preferr'd by our Constituents, setting forth the same, in which we concur, &c."

As to Mr. Parker's Post-Boy, Sir, I humbly conceive the Proprietors have given a full and compleat Answer to it, whereto I refer for Answer to that: However, I beg leave to observe here, That this Paragraph shews, that these Petitioners concur with the Rioters, in every thing they have done and publish'd; and therefore this Committee (as they are pleased to stile themselves) are no less tinctur'd with the Spirit and Seeds of Sedition, than their Constituents, as they call the Rioters; notwithstanding their fair and specious Pretences to the contrary; for by their own Expressions it plainly appears, they are Aiders and Abettors of these Riots, though perhaps they may not personally appear publickly in them. They proceed thus:

"And upon the Whole, we beg Leave to observe, That should we attempt a Composition with our Adversaries or Opponents, meaning the Proprietors, there will remain a perpetual Uncertainty who are the True Owners and Proprietors, even by and according to their own Scheme; not to insist upon their putting off *False Wares*, (we mean) *Sham Titles*, bare *Quit-Claims*, for Lands unappropriated, and not so much as located, for and under a good Title to the Premises, even such as shall be secure to the Grantees, their Heirs and Assigns. Many Examples and Instances we might bring as Evidences hereof; and shew, how

the poor, weak, simple and ignorant Men have been beguiled, &c. And likewise when diverse of our Associates, who to quiet themselves, and prevent great Loss, Trouble and Charge in the Law, (having none other Refuge or Remedy) have purchased of some such pretended Proprietors, &c. yet have been forced to purchase again, or meet with the same Difficulty they intended to avoid by the former Purchase; so uncertain and precarious are their Rights, even among themselves, that no certain Dependance can be had on them, &c."

By allowing, Sir, any other than the Crown of England and its Assigns, to be the true Owners and Proprietors, a perpetual Uncertainty would evidently follow who were the true Owners and Proprietors; and for that Reason it was, that by the fundamental Concessions, all Deeds from the Indians were to be in the Proprietors Names; for that Reason it was, that the Act of Assembly of 1683, made it criminal and seditious, to take Deeds from the Indians in any other Name; and for that Reason it was, that the first Act in our printed Book of Laws, made all Indian Deeds void, if the Right of the Crown was not purchased in six Months after that Act was published; so that the Constitutions and Laws of this Province, have sufficiently provided against the Uncertainty in Titles, that the Petitioners would bring into this Colony. It appears, Mr. Speaker, that Sedition was the natural Effect of such Uncertainty; and therefore they by Law appointed the Punishment of Sedition to be inflicted on those, who should attempt to introduce such Uncertainty, as Breakers of the Kings Peace, and the Peace of the Province. As to the Proprietors putting off false Wares, sham Titles, &c. it appears by the Proprietors Publication, that this is altogether a Calumny of them, and can be only true of Doctor Jacob Arents, who is no Proprietor, and possibly of some other Im-

postors among the Petitioners, pretending to be Proprietors: But are the Proprietors to blame on Account of those Pretenders? Have not they done their Duty, by forewarning the People of Jacob Arents, by Name, six years ago, [See Proprietors Publication,] and of such Pretenders? Did not they there point out a very easy Way to discover such Pretenders? And can they say the Proprietors ever countenanced or approved such Pretenders? Or that any other ever came to their Knowledge, save only Jacob Arents? But to go on with the Petition;

“Wherefore we must, together with our Fellow Men and Brethren, as Partakers with them in the like Sufferings, humbly pray our deplorable Circumstances may be duly weigh’d and considered, that Way may be made by our Legislative Powers, for our Relief and Help, even by giving, granting and confirming to us, that which has been, and now is, or should be, the undoubted Right and Privilege of every true *English Subject*, under Oppressions and Distresses, freely and without Let, to seek (and use all lawful Means to obtain) Redress of his *Wrongs and Grievances*: This is what we singly and sincerely aim at, viz. By humble Application to his Majesty in Council, petitioning him of his Royal Goodness, to determine for us, in such Manner as may be most consistent with Law and Right, &c.”

As to this Prayer, Sir, I hope every English Subject is possessed of it, viz. *freely and without Let, to seek (and use all lawful Means to obtain) Redress of his Wrongs and Grievances!* Has not his Majesty appointed Courts of Justice, both of Law and Equity, in this Province for that Purpose? Have not those Courts been open for every one? Has not his Majesty appointed the proper Appeals to himself in his Privy Council, from all those Courts, to redress what Errors they may happen to commit? And have those Courts

done any Thing to hinder the Petitioners, or any of them of the common Course of Justice; or ever been shut against them? And as the Petitioners are intitled to that Course of Justice, appointed by his Majesty in those Courts, and in that Method; so I hope, Mr. Speaker, the Proprietors and all other Subjects of this Province, are in like Manner intitled; and that none will be so bold, besides the Petitioners, to attempt the stopping the Course of Justice in those Courts: If the Petitioners will apply to his Majesty in the first Instance, without bringing their Cause before him, in the Method he has appointed, viz. by Appeal from one of the Courts here, has any Body hinder'd them from taking that Course if they thought proper? It appears by Mr. Ogden's Letter (as I mentioned before) that he even offered these Petitioners (the Committee) to lend them *a sufficient Sum of Money for that Purpose upon their own Bond*. This Petition concludes thus:

“And may the Honourable House (if in your Wisdom it is thought expedient) lay this our humble Petition before his Excellency our Governor in Council. And your Petitioners, as in Duty bound, shall always pray.

| | |
|--------------------|--------------------|
| John Conduct, | Nathaniel Wheeler, |
| Samuel Baldwin, | Samuel Harrison, |
| Michael Cook, | Jonathan Pierson, |
| Michael Vreelandt, | Nathaniel Camp.” |

I shall be far from agreeing, Sir, that this House should be the Petitioners Messengers, to lay these Petitions before the Governor in Council, lest it should look as an Approbation of several Things in them, improper to be said to this House without shewing a proper Resentment, as particularly the attributing their Properties to have their Rise and Support from us, which Attribute is only justly due to his Majesty, our only Supreme Lord, George the Second, (whom God long preserve, and keep free from all rebellions,

dangerous Riots, and tumultuous Assemblies, all which threaten the Subversion of our Happy Constitution, and may render us an easy Prey to our Enemies) and all that we can do is, to enquire into and present the Grievances of the People we represent, (when any such really appear before us) and sue for Redress.

Upon the Whole, Mr. Speaker, by all that has been said, I think it plainly appears, that the Petitioners have sate themselves down, and taken Possession of several Tracts of Land, without any real Right and Title to the same; and have occupy'd and taken the Profits of them so long to themselves, without making any Satisfaction to the true Owners and Proprietors thereof, that they now begin to think in good earnest, that they have the best Right to those Lands, and that the true and bona fide landlord is a Cheat! and an Impostor! And when he comes to seek for his own, he is branded as an Invader of their Liberties and Properties truly, and charged with unjust Molestation and virulent Oppression: These are Regular and Sure Steps indeed to acquire Estates! I must own, Sir, I have been very long and tedious in this Affair, but as there has been a great Misunderstanding and wide Difference subsisting between the Proprietors of East New-Jersey, and some Sort of People, I could not be silent, and suffer such gross Absurdities, and manifest Untruths to be imposed upon the Honourable the Representatives of the Colony of New Jersey, without endeavouring in the fullest and most open Manner, to set every Circumstance in a clear Light, supported by the Records and Matters of Fact; and I think the Petitioners have offer'd neither in Support of their Petences. Wherefore, and for that this House is no Court of Justice to examine into Titles to Lands, or any Property in Question between his Majesty's Subjects, (tho' we have Right to enquire into the Mal-Administration of Courts of Justice, if any such were complained of, but no such Thing appears here) I say,

for these Reasons, I humbly move, that these Petitions may be rejected.

Yet nevertheless, Mr. Speaker, to shew that I am entirely free from Resentment, and in Compassion to a great Number of poor People, who may have been seduced into the late Riots thro' their Ignorance, and for restoring the Peace of the Colony, I further move, that this Honourable House would be pleased to apply to his Excellency the Governor (either by a short Address or Message as they shall think proper) to extend his Majesty's Mercy to those People by a general Pardon, under such Restrictions and upon such Conditions as to his Excellency shall deem proper.

[N. B. The great Number of &c's in these two Petitions are not owing to any Omissions of the Words of the Petitions, but to a Peculiarity in the Stile of the Drawer: The like may be seen, in the Paper printed in the Post-Boy of February 17th, referred to in the last Petition, where there are 21 &c's; but these two Petitions are still more plentifully graced with them, as their Number amounts to 38.]

*Petition to the House of Representatives by certain
of the Rioters.*

[From Papers of F. J. Paris in New Jersey Historical Society Library, Vol. P., and from P. R. O. B. T., New Jersey, Vol. 5, F. 86, Enclosure.]

To the Honourable House of Representatives
of the Colonie of New Jersey convened in
General Assembly April 24th Anno Dom:
1746.

May it please your Honnours

Whereas it is set forth by the Council of Proprietors
So called in their printed Memorial of March 25th 1746,
That their Basis or foundation Respecting their Titles

to the Lands Scituate in New Jersey Stands firm and strong, *And* that their properties Rents, and Franchises were Secured and Established to them by Concessions of the Crown upon their Surrendering the Government &c: *And* if the fundamental Rule (as they term it Calling it an Act of 1683 touching Indian purchases, Stands good as an Established Law and Act of this Province Rendring all those Criminal who have not acted in Concert therewith, who sees not the Advantage accruing to said Proprietors Even above any or all others in and by the dessign on foot viz^t of Sending home to England, whence it must necessarily follow that their regretting a matter of So great Concern as for the Peace and Tranquility of the Country which they allow themselves have much at heart, and which (according to their Induction Set forth in their print aforesaid) must needs be Detrimental to the purchasers as tending to the Subversion of their Interest and propertie in the Lands purchased by them and rendering their Application home of no Validity) cannot but be deemed (in men of Such Carecter and Destination as many of them bear and Carry) a thing rare and Strange if not without any precedent, But all this notwithstanding, we your Petitioners having humbly offered our Address to the Legislative Powers. Do yet beg Leave further to Add That meeting with Something Like an Offer in Mr. Ogden's Letter N^o 4 in the print aforesaid, wherein is Set forth a Message Sent to Some of the Committee (by an Unfaithful Messenger Surely. or they must have heard Something of it before) Proposing a Tryal at Law in this Province with them in order to carry the matters in dispute to England by an Appeal &c: And that he would Commence An Action for that purpose against Such person as they Should name &c: the which being So Agreeable with and unto what we have had a dessign for & desire unto, as hath been declared by our repeated

Offers, made them to that end and purpose. We shall gladly Embrace the Opportunity to Joyn in Issue according to the aforesaid proposall for a Tryal in a Court of Law and do accordingly desire the Action may be commenced and brought against Francis Speire of horsneck so called *Provided* in the meantime That all Writts & processes against us may Cease and we with All We have by Delegation Concern in and for may be Secure in holding their and our Rights and Possessions Untill the Matters in Controversy shall have a full & finall Determination. at home. *Unless* it Shall please Either partie to give up. or come to Some Composition otherways by Concessions. And may our several Remonstrances & Petitions have their due weight in your wise Administrations and Consultations to the end we may obtain our Rights and Priviledges Unitedly & Repeatedly desired & requested) confirmed by our Legislative Powers and your Petitioners as in Duty bound Shall allways Pray.

NATHANEL WHEELER

SAM^l HARRISON

JONATHAN PERSON

JOHN CONDUCT

NATHANEL CAMP

SAMUEL BALDWIN

MICHEL COOKE

P. S: It is desired that the Proprietors so Called Concerned in the premisses Shall come under obligation agreeable to said Proposals and Provisos in order to try the Action above mentioned.

List of Rioters in Essex County 1746.

[From Papers of James Alexander in Rutherford Collection, Vol. I.]

List of Rioters in Essex County Returned upon
a Record of View (on a Second Riot) filed
in the Supream Court in May term 1746:

| | |
|---------------------------------|--------------------------------|
| Amos Roberts | Azariah Craine |
| Daniel Crane Jun ^r | Caleb Bawldwin |
| Caleb Ward | John Harrison |
| John Brown Jun ^r | Morris Brown |
| Samuel Ogden | Thomas Lamson |
| Samuel Parkins | Jotham Condict |
| John Dod | Daniel Taylor Jun ^r |
| Theophilus Burwell | Timothy Ball |
| Timothy Miaker | Bethune Pierson |
| Elisha Lyndsley | Aaron Ball |
| Benjamin Perry | Livines Vincent |
| Josiah Lindsley | John Wells |
| Nathaniel Ball | John Baker |
| Nathan Baldwin | Amos Bawldwin |
| Ely Kent | Thomas Day |
| Johathan Davis Jun ^r | Isaac Vangiesin |
| Paul Day | Joseph Williams |
| Zebedee Brown | David Bawldwin |
| John Garner | Ebenezar Lindsley |
| Thomas Day Jun ^r | Amos Day |
| Ephriam Cornfield | Esekill Ball |
| Abell Ward | Amos Harrison |

N B the Circumstances of the above Riots [and of those in 1745 and 1747] were the gathering together of great Numbers of people Armed: Assaulting and wounding Sheriffs and other Officers: Breaking open County Goals: and Rescuing and Releasing prisoners, Legally Committed.

*Commission to Robert H. Morris, Lewis Johnston
and Elisha Parker—to run the line between East
and West Jersey.*

[From Copy among Papers of Ferd. John Paris in New Jersey Historical Society
Library, Bundle 6, No. 20.]

GEORGE The Second by the grace of God of Great Britain France & Ireland King Defender of The Faith to all whom These presents shall come Greeting *Whereas* by an Act of The Governor Council and Assembly of New Jersey Passed in the fifth Year of the Reign of Our late Royal Father King George The First Entitled an Act for Running and Assertaining The Line of Partition or Division between The Eastern and Western Divisions of The Province of New Jersey and for preventing disputes for The future concerning The same and for Securing to the General Proprietors of The Soil of each of The Divisions and Persons Claiming under Them their Several and Respective Possessions Rights and Just Claims John Hamilton, David Lyell, George Willocks, and John Harrison Esq^r were by the Said Act appointed to be Commissioners or Managers for the Eastern Divisions of New Jersey with The powers Mentioned in The said Act *And Whereas* by the said act it is Provided that in case any of the Commissioners or managers aforesaid Should Die Then and in That Case The Governor for The time being was Thereby Impowered to appoint one in The Place of The Person So dying who by the said Act is declared to be vested with the same powers and subjected to the same Directions as in The said Act is sett down to the Managers Therein Named.

And Whereas The said David Lyell, George Willocks and John Harrison are since Dead Now Know Ye That John Hamilton Esq^r President of our Council and Com-

mander in Cheif of our Province of New Jersey who by our Commission and Instructions to his Excellency Lewis Morris Esq^r late Governor of our Province of New Jersey for the time being hath pursuant to the said Act appointed Robert Hunter Morris Esq^r Lewis Johnston and Elisha Parker Gen^l to be Commissioners and Managers for the Eastern Division of New Jersey in The place of The said David Lyell, George Willocks and John Harrison to use and Exercise all the powers Vested in the said David Lyell, George Willocks and John Harrison by the said Act and the said Robert Hunter Morris Lewis Johnston and Elisha Parker hereby accordingly appointed, *In Testimony* whereof we have caused These our letters to be made Patent and The Great Seal of our Province of New Jersey to be hereunto Affixed *Witness* our trusty and well beloved John Hamilton Esq^r President of our Councill and Commander in Cheif of our Province of New Jersey by and with The advice of The Council The Eleventh day of May in the Twentieth Year of our Reign—Read—By his honours Command Recorded and Examined by Thomas Bartow Sect^r

Letter from the East Jersey Proprietors to a Committee of the Subscribers to a Proposal sent to the Governor.

[From Papers of Ferd. J. Paris in the New Jersey Historical Society Library, Vo P. No. S. and from P. R. O. B. T. New Jersey Vol 5.

Perthamboy June 30th 1746.

Gen^l

The Council of Proprietors of the Eastern Division of New Jersey, having this day had a Special meeting to Consider Certain proposals Signed by you as a Committee for the Subscribers to a Petition of many persons said to be Chiefly Inhabiting the Northern part

of this Province which on the 28th of April Last were by a message from the General assembly Sent up to the Late Governour of this Province, have Ordered me to Acquaint you concerning the said Proposals *That* as the Lands at Horseneck were Set out, Surveyed Patented & Legally Divided to particular proprietors as part of their Share above forty years agoe. They the Council of Proprietors have no Concern in any particular Controversie concerning those Lands unless that Controversie do Equally affect all the other Lands of the General Proprietors, But as the pretence by you now Started that a Title by an Indian Deed is good against the Title of the General Proprietors which was first vested in Sir George Carteret the first Proprietor of East New Jersey; The Council of Proprietors conceive that this pretence equally affects the title of the General Proprietors assignees of S^t George Carteret to the other Lands of East New Jersey under which all the Freeholders thereof claim & by virtue of which East New Jersey has been possess^t from its first Settlement now upwards of Eighty years, untill you & those you claim to represent have Lately Started the said pretence And therefore the Council of Proprietors think as this pretence Affects all their titles that it is incumbent on them to be at the charge of the Defence against it untill it has received a Legal Determination.

The Council of Proprietors, by their Publication of March 25th Last (which was first published by itself & afterwards in all the three New York News Papers in April last) thought they had given you and all reasonable men full satisfaction that the said pretence is vain Idle and groundless. But by the said Petitions & your said Proposals it seems it has not proved Satisfactory to you, and that you Still pretend your aim is & was to have a Legal determination of your claim by the head & Fountain of Justice, if this was really So

it Seemeth very unaccountable that you Slighted So many opportunities as are Setforth in the said Publication of bringing your claim to that Test, The Council of Proprietors being well assured that no Less than fifteen Actions of Ejectment were brought at Sundry times by Mess^{rs} Alexander and Morris ag^t the Tenants of the Lands at Horseneck, one of which was against ffrancis Speire which you name, and every or any of which Actions you might have Defended, and brought them or any of them by Appeal before the King & Council if you So had thought proper, but you Embraced none of those 15 opportunities on the contrary you suffered Judgment to go in every of them by default, you neglected the Advice of M^r Ogden, to file your bill in Equity for Stay of proceedings, on those Judgments, you neglected applying directly to his Majesty as you said your dessign was, & you slighted M^r Ogdens Offer of Lending you Sufficient money for that purpose, and you neglected all other the fair offers, made to you as by the said Publication at Large appears However Seeing by your said Proposals you now offer to accept of M^r Ogdens last proposition of a Tryal at Law in this Province in order to carry the matters in dispute to England by an Appeal &° & Declare that you shall gladly Embrace the opportunity to Join Issue, and you desire the Action may be commenced and brought against ffrancis Speire of horseneck, and tho M^r Ogden has no concern or interest in that Affair now & many other reasons are obvious why offers then made are by your Conduct since & that of those you Claim to represent become no way now Obligatory yet I am ordered by the Council of Proprietors to acquaint you That as the Lands for which you propose an Ejectment to be brought are part of what have been Surveyed & Patented to particular proprietors above forty years agoe as mentioned before, and the Declaration upon which Judgment is already given for

the Lands in the possession of Francis Spier was Said to be on the Demise of the Assignees or Grantees of the Said particular proprietors to whom the said Lands were so Surveyed and pattented, The Council of Proprietors think it would not be so proper to direct the bringing of any Ejectment on the Demise of the said particular proprietors or their assigns But in order that you may try the strength of your Claim by Indian purchase against the Title of the General Proprietors they propose if you approve thereof to bring another Action of Ejectment on the Title of the General Proprietors for the Lands in the possession of Francis Speire and as this is no way designed as a Compulsary Suit but as one requested by you, to be brought for the purpose before they do not send the Declaration to be served on Francis Speire but to you who made the request that you may Enter Francis Speire or any other person you please Defendant and you have herewith a Declaration for that purpose which is made on the demise of Sir George Carteret the first Proprietor of East New Jersey, & which also save the great Length & Expence of Setting forth in the Special Verdict & other proceedings necessary many mean Conveyances under him to the present Proprietors, of which you may See some hundreds pointed to on record by the bill filed with M^r Bartow Shown to M^r Low & M^r Condict as by the said Publication is mentioned.

I am also Ordered to Acquaint you that on the first day of the next Supream Court at Perth amboy which is the Second tuesday of August next Elisha Parker Attorney for the Proprietors in the said Action will be ready to Enter into & Sign the General Rule for joining Issue in the said Action upon your Attorneys making a Defendant, & also Entering into & Signing the General Rule.

I am also Ordered to Acquaint you that their said Attorney will be ready to give Security by persons of

good Estates in this Province to such persons as you shall name by bond in Two thousand pounds or any greater Sum to prosecute the said Suit to Effect & to pay the Costs in case the Plaintiff in this first Action shall be cast, discontinue or withdraw the Action, & to prosecute Appeals here and to England to Effect in case the Plaintiff in this first Action is Cast & to pay the costs on the Appeals in case the Same Plaintiff be thereon Cast, upon your giving like Security to persons by the Proprietors Attorney to be named to pay the Costs in Case the Deffendant in this first Action be cast. & to prosecute Appeals here & to England to Effect in Case the same Defend^t be cast & to pay the cost on the Appeals in Case the same Defend^t be thereon Cast,—I am Ordered also to acquaint you that for the greater dispatch the said Attorney of the Proprietors will have their part of a Special Verdict ready drawn by the said Second Tuesday of August when its desired that the Defendant's Attorney have the part of the Defendant ready drawn that they may be reduced into one Special Verdict, which Shall Conclude on Such particular Single points on the Titles of the Plaintiff or Defend^{ts} as will bring or Leave the true & real Meritts of all the material points in Controversie between the General Proprietors and you to be finally Determined by his Majesty in Council without regarding any material Circumstances or want of proper form that do not immediately relate to the principal points in dispute which Special Verdict being agreed on & Signed by the Attorneys of both sides may be found by Consent by a Jury of the people happening to be at Court or otherways as may be agreed on by the s^d Attorneys for the Speedyer dispatch. And as the Council of Proprietors as well as you are resolved to have the Affair carried home in order to be finally Determined by His Majesty in Council which way soever the Judgments are given by the Supream

Court & by the Commander in Chief & Council of this Province, and as you seem willing & desirous to have the final Determination thereof By his Majesty & Council as Speedily as possible—The Council of Proprietors desire me in their behalf to propose to you, that the matter be argued in the Term of August next in the Supream Court & that Judgment be then prayd for & whatever way Judgment goes that a Writt of Error be inmediately procured to the Commander in Chief & Council upon which both sides shall appear with all Speed Gratis & argue the matter there, and that Judgment be then prayed for. and whatever way Judgment goes there that an Appeal be made to the King & Council pursuant to his Majesty's Royal Instructions to be prosecuted with all dispatch on both sides, and its hoped that that Appeal may be sent home by the first Ships, and if prosecuted with Effect its hoped that it may in a few months be Determined by the King & Council to prosecute which with Effect nothing shall be wanting on their parts—

I am also Ordered by the Council of Proprietors to Acquaint you that they have no coerceive power over the particular proprietors or Owners of the 13,500 acres at horseneck, or of any other Lands particularly Laid out Surveyed or patented. whereby to prevent Stop or hinder them from Issuing any Writts or Processess or commencing any Actions relating to Such Lands --and therefore it would be Unreasonable to Expect or desire that the Council of Proprietors Should Enter into any Engagement Agreement or promise on that head—*However* I am Ordered to acquaint you by Mess^{rs} Alexander & Morris the present Owners of the said 13,500 Acres at horseneck that they Shall be ready at Perth amboy on the said Second Tuesday of August next to give Bond with Sufficient Security in Sums proportionable to the value of the particular Plantations that in case a Special Verdict Shall be agreed upon and

found in the said Action of Ejectment on the demise of Sir George Carteret against the Said Francis Speire or any other person by you named & Judgment be given in the Supream Court & a Writt of Error be brought before the Commander In Chief & Council of this Province, and after Judgment given there An Appeal be brought thereon Before his Majesty in Council in Great Britain pursuant to the proposals hereby made to you by the Council of Proprietors, that they said Mess^{rs}. Alexander & Morris will not prosecute the Executions of their said fifteen Judgments, for the term of three years or untill the Said Appeal be Determined by his Majesty & Council whichsoever Shall first happen, which Determination they conceive may Easily be had in much Less time than three years if you Shall do your Endeavours to have it so. but if three years is conceived too Short a time they have no objection to any Longer reasonable time *Provided* that you or the possessors of the Lands recovered by the said fifteen Judgments do on the said Second tuesday in August give them Bonds with Sufficient Securitys in sums proportionable to the value of the particular plantations that they will not during the said Stay of Execution Comitt Waste on the respective Lands they are possesst of. they mean by Waste that they Shall Cutt no Timber for Sale & only so much Timber as Shall be necessary for the Use of the Plantations respectively. And after the said term of years or Determination of the said Appeal, if the Defend^t. Francis Speire or other person by you named be therein Cast pay the said Alexander & Morris the Damages they have suffered or Shall Suffer by detaining from them the possession of the said Lands & by Waste thereon committed if any be which Damages are to be Asscertained by Agreement or Arbitration or by Tryals by Jurys in proper Actions to be brought for them, to which Actions the Obligors are to bind themselves that

the Defendants Shall Enter Appearances and Consent that the Tryals be had by Juries of the Western Division of New Jersey.

I am also Ordered to Acquaint you that as to the Remainder of the Tenants of the said 13,500 acres the said Alexander & Morris will then be ready to give them Bonds with Sufficient Security that during the S^d time or the Dependence of the said suit as aforesaid they will prosecute no writts or processes against them *Provided* that you or those other Tenants do then give them Bonds with Sufficient Security to Committ no waste, & to pay them their damages as aforesaid,

I am also Ordered by the Council of Proprietors to Acquaint you that they doubt not upon any of the Petitioners Application to any other particular Proprietor to whom the Lands they are possest of have been Legally set out & Divided, & giving Bond with Security as aforesaid, Such particular propriet^{rs} will in like manner give Bond to Stay Writts and processes against the persons So giving Security during the time aforesaid.

I am also Ordered to Acquaint you that its the full intention of the Council of Proprietors to Comply with every thing in their power thats reasonable in your Said Proposals & if this does any way fall Short of that, its with no Design to do so, and if you or your Attorney Shall point it out, or any thing unreasonable or Deficient in this Proposal or that any of the times here proposed are too short, it shall readily be remeddyed and Supplyd by their Attorney.

I am also Ordered to Acquaint you that to prevent mistakes or misrepresentations. The Council of Proprietors desire that all Transactions between your & their Attorneys & persons appearing to give Security muttually be reduced to writing and that nothing Shall be pretended by either Side to have been said done or transacted but what is so reduced to writting & copy of it Signed Witnessed & Delivered to the other side

before the parties do depart, & its proposed the parties
Shall not depart till all Copies of that kind whereof
Notice is to be given them be delivered.

I am Your humble Serv^t
LAUR SMYTH Clerk

To Nathaniel Wheeler
Sam^l Harrison
Jonathan Person
John Cunditt
Nathanel Camp
Samuel Baldwin
Michel Cooke

[Oath of Elisha Parker followed testifying to his
having served copies of this communication upon the
parties interested 17th July 1746.]

Order in Council upon the Petition of Richard Partridge, Agent for New Jersey, requesting that the King should authorize the Governor, to give his consent to a Bill providing for the emission of £40,000 in Bills of Credit.

[From P. R. O. B. T., New Jersey, Vol. V, F 79.]

At the Council Chamber Whitehall the 7th of
August 1746.

Present

The Lords of His Majestys most Honourable
Privy Council

Upon reading this day at the Board the humble
Petition of Richard Partridge Agent for the Colony of
New Jersey in America Setting forth amongst other
things that the said Colony is greatly distressed for
want of a further Supply of Bills of Credit which the
late Governor Morris by the Royal Instructions was
prohibited from Emitting without the Royal Licence,

That now in time of War the said Colony is destitute of a sufficient Supply of Arms Ammunition &c^a for their Defence against the Common Enemy and cannot readily raise the Money for purchasing the same without a further Emission of Paper Currency as well as for the payment of divers other Publick Emergencies for support of the said Government, That it would be greatly for the Service of His Majesty as also of the said Province if leave were granted to the Governor to give his Assent to the passing a Bill for the Emitting the Sum of Forty thousand pounds in Publick Bills of Credit on Condition that the Value of the Bills to be Emitted be agreeable to An Act of Parliament made in the Sixth Year of the Reign of the late Queen Anne for ascertaining the Rates of Foreign Coins in her Majestys Plantations in America The Petitioner therefore prays that his Majesty would be graciously pleased to grant an Order of leave to the said Governor or Commander in Chief for the time being to give his Assent to the passing An Act for Emitting the said Sum of Forty thousand pounds in Paper Bills of Credit—It is Ordered in Council that the said Petition (a Copy whereof is hereunto annexed) Be and it is hereby referred to the Lords Commissioners for Trade and Plantations to consider the same and Report their Opinion thereupon to His Majesty at this Board.

W. SHARPE.

TO GEORGE THE SECOND KING OF GREAT BRITAIN &c^a in Council.

The Humble Petition of Richard Partridge
Agent for the Colony of New Jersey in
America.

Sheweth

That the said Colony of New Jersey contains a considerable Body of People who depend very much on Trade and Commerce and are industriously engaged in

clearing their Lands of the Woods and in making and Settling New Plantations, have consequently an absolute occasion for a Medium of Trade to carry on their Affairs without which they cannot comfortably subsist, and but very little Silver is passing amongst them which in those American Plantations is constantly bought up as Merchandize and Shipt home to Great Britain in Returns for goods and British Manufactures imported there and therefore Their Legislature have formerly issued certain Quantities of Paper Bills of Credit to Answer the end of Money to be called in and Destroyed at certain limited Periods of time on a very good and sufficient Fund as a Security for it—

That now the said Periods of Time are almost all expired and the rest near expiring as fixed by the said last Act for that purpose passed the 16th August 1733 for Sixteen Years.

That the said Colony is greatly distressed for want of a further Supply of Bills of Credit which the late Governor Morris by the Royal Instructions was prohibited from suffering to be Emitted without the Royal Licence.

That now in time of War the said Colony are destitute of a sufficient Supply of Arms Ammunition &cⁿ for their Defence against the Common Enemy and cannot readily raise the Money for purchasing the same without a further Emission of Paper Currency as well as for the payment of diverse other Publick Emergencies for Support of the said Government and more particularly for the raising of Men now required on the present intended Expedition in America.

That in asmuch as the King has been pleased to appoint Jonathan Belcher Esq^r Governor of the said Province in the room of Lewis Morris Esq^r deceased and his Commission and Instructions for the Government (are as the Petitioner is informed) now making out, it would be greatly to the Service of the King as

also to the said Province if an Instruction of leave were added to the said Governor Belchers Instructions That he might for the present Emergencies of the said Province give his Assent to the passing a Bill for the Sum of Forty thousand pounds in Publick Bills of Credit, on Condition that the Value of the Bills to be Emitted be agreeable to an Act of Parliament made in the Sixth Year of the Reign of the late Queen Anne for ascertaining the Rates of Foreign Coins in Her Majestys Plantations in America and for preventing any after loss or Discount on the Bills issued by such An Act, it is proposed

That the Treasurer of the said Province for the time being shall be obliged to give Gold or Silver in Exchange for the said Bills agreeable to the Rates expressed in them, and for the want of Silver or Gold in the Treasury, the Treasurer to pay to the possessors of the said Bills such difference as may have happened in the Price of Silver or Gold from the time of passing of the said Act to such time or times as any of the Possessors of the said Bills shall please to demand the same or otherwise that the said Governor do give his Assent for passing a Bill for Emitting the said Sum of Forty Thousand Pounds in Bills of Credit to some other Bill of the like Kind or import if he shall judge it necessary for the Publick Service.

That the Royal Licence hath been lately obtained for the Kings Governors of the Provinces of the Massachusetts Bay and New Hampshire for Emitting large Sums in Paper Bills of Credit without their making such substantial Provisions for ascertaining the value of their Bills to be emitted as is proposed to be done by this Act.

That the Petitioner would humbly hope for the Royal Favour herein the rather for that the said Colony have actually generously raised and granted a Supply of Provisions lately to the Value of Two thou-

sand Pounds for Cape Breton and which has been arrived there towards the Support of the Garrison on that Island without ever making any Demand for repayment of the same.

For these reasons therefore the Petitioner in behalf of the said Colony most humbly prays that the King would be graciously pleased to grant an Order of leave to his said Governor or to the Commander in Chief for the time being for giving his Assent to the passing An Act for Emitting the said Sum of Forty Thousand pounds in Paper Bills of Credit as aforesaid

All which is humbly submitted

R. Partridge

Notice of Nathaniel Wheeler and others to the Proprietors of East Jersey—stating their willingness to appear in Court, &c., to test their rights.

[From Copy in Alexander Papers, Vol. I, No. 3, and from P. R. O. B. T. New Jersey Volume V.]

New York August 11th

We find in what is Set forth by order of the Council of Proprietors So Called of June 30th Last Past, That they purpose to Stand in Defence of their Right to the Lands in Controversie as Assigns of St George Carteret Against what they Please to Call a Vain Idle and Groundless Pretence of Title by an Indian Deed &c They Say they Considered the Proposals signed by us as a Committee &c the Purport of which was our Compliance with that Perticular Offer a proposal said to have been Sent Us by M^r Ogden, Namely this, To have a Tryal att Law in this Province in Order to Carry the Matters in Dispute to England by an Appeal

from a Court of Law, This we Cloased with in Consid-
 eration all processes Might Ceas Untill the Matter
 Might be Accomodated, and whereas it is Pretended
 we Slighted offers and oppertunities of and for having
 a Legal Determination of our Cause by the head and
 fountain of Justice and bringing our Claims to that
 Test & as it is Set forth in the Publication of March
 25th And in this Last, Thrown at us, Where Menshon
 is Made of 15 Actions of Ejectm^t and Appeal from
 them or Any of them, Did we Not Repeatedly offer if
 They Would take 1: 2 or 3 Act^s &c we would Gladly
 have the Oppertunity of Answering in the Paw, in
 Case Appeal Might be had if Ocation offer'd, the which
 was Rejected by our Opponants We are Not Concerned
 to Dispute, the Title of the Assigns of S^r George Car-
 teret Unto all the Lands of or in East New Jersey So
 Called, Nor Any other in the Province Saving Such,
 as we have Concern in, and for, Not Knowing what
 Purchases they or Some of them May have Made of
 Lands in Other Places. But we Suppose the Dispute
 Depending is whether the Natives or Indians had a
 Legal Right or Not. This is one Thing we Eye as a
 foundation which if overthrown The Super Structer
 Canot Stand Agreeable to that old Unalterable Posi-
 tion, *Nil dat quod non habet*, But as we are no Law-
 yers and Consequently under Greatest Disadvantages
 In our Own Persons to Meet our Learned Opponents
 in a Court of Law, according to the Rules and Meath-
 ords there prescribed and Prosecuted, And as we hear
 and Believe, having Sent two of Our Number forth in
 quest of an Attorney to Ingage and Act for Us in
 Concert with their Last Publication, if it Might
 Thought proper, without Success, all the several At-
 torneys or Practitioners in the Law of Note both in
 this and the two Neighbouring Provinces are Ingaged
 by Interest or fee, on our Opponants Side, which has
 Rendred the process, proposed on Such a Suddain, on

our Side Impracticable, However in Nothing Recceeding from what we have offered and complied with, or what our Opponents have Published, Consonant thereunto We Resolve, God Willing to make Ready against the next Term, if they will Please to Release An Attorney, there Being one by fee Ingaged who if Set at Liberty we trust would Undertake on our Side and Part, or if Any Such be to be had, otherways we shall Comitt our Cause to Such as we can find to Speak thereunto, In answer to our opponents if it may be Permitted, Ith Mean time as we Regrett the work Mentioned, By Cuting of Timber &c as Much as themselves, So we shall Endeavour to Stop all Such Proceedings, *And Rest their Humble Ser^{ts}*

Transcribed by Order of the Committee &c

SAM^L HARRISON

NATH^L WHEELER

NATH^L CAMP

JONATHAN PEIRSON

MIKEL COOK

JOHN CONDIT

MICHAEL VREELAND

SAM^L BALDWIN

JOHN LOW.

*Minutes of the Council of New Jersey, June 4th, 18th,
and 19th, 1746.*

[From Papers of F. J. Paris in Historical Society Library, Vol. P, No. 15.]

At a Council held at Perth Amboy in the Province of New Jersey the 4th Day of June, 1746.—

PRESENT

The Hon^{ble} John Hamilton Esq^r President

| | | | | |
|----------------------|---|---------------|---|-------------------|
| James Alexander | } | Edward Antill | } | Esq ^{rs} |
| Robert Hunter Morris | | James Hude | | |

The President Informed the Board of the Death of his Late Excellency Lewis Morris Esq^r Late Governor

of this Province' and that he had the Seals, the Instructions and other Papers Relating to the Public Affairs of this Province.

Then the President Took the Oaths appointed by Law the Oath for well & truly Executeing the Office of President of His Majesty's Council & Commander in Chief of this Province, the Oath for the due Observation of the Laws of Trade & Plantations And also the Oath for duely Executing the Office of Chancellor & Keeper of the Great Seal of this Province.

It is the Opinion and Advice of this Board that the President do Issue a Proclamation for Continuing all Officers Civil and Military in the Exercise of their Respective Offices and Places till further Orders. Ordered that the Clerk Prepare a Proclamation accordingly

The President Communicated to the Board a Letter from the Duke of New Castle His Majesty's Principal Secretary of State to his Late Excellency bearing date at Whitehall April 9th, 1746. Signifying his Majesty's Pleasure that this Colony should Raise a Number of Men to be Employed in His Majesty's Service in America. Also a Letter from His Excellency Governour Shirley to his S^d Late Excellency bearing date at Boston, May 27th, 1746 and also a Letter to the President from His Excellency Governour Clinton bearing Date at New York May 31st, 1746, upon the Subject of the intended Expedition

Upon which the President desired the Advice of this Board. The Board takeing the Same into Consideration are Unanimously of Opinion that it will be necessary the President should Meet the General Assembly as soon as Possible, and as the President is unable to Travel from Home, the Board Advises that the Gen-

¹ GOVERNOR MORRIS died May 21st, 1746, at Trenton, after an illness of some weeks. His remains left Trenton on the 26th on their way to Morrisania, N. Y., where they were deposited in the family vault. The pall-bearers were Andrew Johnston, James Hude, Peter Kemble, Thomas Leonard, Philip French, Daniel Coxo, Philip Kearney and Charles Read. The funeral services were performed on the 27th. - Ed.

eral Assembly now Sitting at Trenton be Prorogued to Wednesday next then to Meet at this Place And that Expresses be Sent to the Members to Require their Attendance accordingly, and His Honour was Pleased to Issue a Prorogation for that Purpose

And the Board do farther Advise that his Honour the President Issue a Proclamation for Laying an Embargo on all Vessels in this Province for the Space of one Month unless his Order in Council shall be first Obtained for the Sailing of any Vessel.

Ordered that a Proclamation be Prepared accordingly. * * * *

At a Council held at Perth Amboy June 18th
1746.

PRESENT

The Hon^{ble} John Hamilton Esq^r President

| | | | |
|-----------------|-----------------|-----------------------|----------------------|
| John Reading | } Richard Smith | } Esq ^r 's | |
| James Alexander | | | Robert Hunter Morris |
| John Rodman | | | James Hude |

The President Communicated a Letter to the Council from Gov^r Clinton dated June 16th Ins^t Informing him with his Intention of Going to Albany in Order to Engage the Six Nations of Indians to take Part in the present Expedition agreeable to His Majestys Orders to him for that Purpose & Desiring the President to Endeavour to Send all the fighting Indians to Albany to Join the Six Nations on this Occasion, On which he Desired the Advice of this Board.

The Board Unanimously Advised his Honour to Lay before the House of Assembly such Parts of Governor Clinton's Letter as Related to the Engageing the Indians to Take Part in this Expedition.

[Under date of Aug. 30th President Hamilton laid before the Board a letter from Gov. Clinton, informing him that the Six Nations of Indians, had declared war against the French, and had engaged to send all their fighting men on the contemplated expedition against Canada.]

At a Council held at Perth Amboy June 19th,
1746.

PRESENT

The Hon^{ble} John Hamilton Esq^r President.

| | | | | |
|-----------------|---|-----------------|---|-------------------|
| John Reading | { | Richard Smith | { | Esq ^{rs} |
| James Alexander | | Robert H Morris | | |
| John Rodman | | James Hude | | |

His Honour the President Laid before this Board a Message he Receiv'd from the Assembly in the following Words.--

Ordered that M^r Cooper & M^r Fisher do Wait on his Honour and Acquaint him that the House has Gott the Business in a good forwardness which was Recommended in his Speech and as he was Pleased to Intimate that he would Inform the House by Messages of any other Affairs he had to Recommend to them, they now desire his Honour will be Pleased to Recommend what other Business he thinks necessary to be done at this Time that the House may Proceed therein as They shall have Leisure. Their private affairs Requiring that They should make the utmost Despatch.

Upon which he was Pleased to Ask the Opinion and Advice of the Board which was proper to be done, And the Board taking into their Consideration the many Things necessary to be done at this Time in order to Prepare for the intended Expedition against Canada and

the Dangerous Consequences that might Attend any the Least Delay, were Unanimously of Opinion that no other Business ought to be Entred upon till the Legislature had Gone through the Business his Honour had Recommended to Them, at the Opening of the Sessions Relateing to the intended Expedition. And when that was over His Honour might Grant Them a short Recess till after Harvest and Advised his Honour to Send a Message to that Purpose to the House of Assembly

* * * * *

Minutes of the Council of New Jersey, August 13th,
1746.

[From Papers of F. J. Paris in the New Jersey Historical Society Library,
Volume I, No. 15.]

At a Council held at Perth Amboy, August
13th, 1746.

PRESENT

The Hon^{ble} John Hamilton Esq^r President
James Alexander Robert Hunter } Esq^{rs}
 Morris Edward Antill }

His Honour the President Acquainted this Board that he had Desired their Meeting to Inform them that Edward Hart had by his Warrant Raised one hundred Men for the Expedition against Canada and had brought Them to this Place on Thursday Last, That as the 500 Men which the Assembly had Agreed to Provide for were before Raised And that he was at a Loss what to Resolve Concerning the s^d Company so Raised by Edward Hart & Desired the Advice of this Board thereon, Whereupon this Board haveing maturely Considered of the Matter Advised his Honour the President to send the s^d Edward Hart to His Ex-

cellency the Governour of New York at Albany with a Letter to the Purpose following Viz:

[The letter gives the facts of the case—that the whole number of 500 authorized by the Assembly had been raised—that the 100 men raised by the bearer Edward Hart were by far the most likely and able-bodied Men that had been raised—but that there was no probability that the Assembly of the Province would consent to provide for them—it was thought advisable to send him to Albany to offer them to the Governour of New York. It was hoped they would be accepted, and the bounty of six pounds p^r man authorized by the Assembly of New York be paid to them. The letter closes as follows: “As the Bearer had Expended most of his Estate in the Raising and Subsisting these Men, till he brought them hither & then Declared his Inability Longer to Subsist Them. I have Adventured for the Publick Service to Order some of the money Advanced by this Province for his Majesty for Supplying, Cloathing & Arms &c to be Applied for the Subsistence of the Men & shall do so for ten days or a fortnight Longer in Order to keep the Men together till Hart’s Return from your Excellency which I hope may be Allowed of by His Majesty or General S’Clair, along with the Money Advanced for Cloathing & Arms, And doubt not your Excellency will Join in Recommending the Allowance of that Sum, as his Majesty’s service is the only Motive for that Expence.”]

The President Communicated a Letter from some of the Gentlemen of the Council of New York to whose Care and Direction His Excellency Gov^r Clinton had Recommended the Peace and safety of the City and

¹The minutes from this point to the * on a subsequent page are as found in N. Y. Col. MSS. Vol. LXXV, page 77.

Lower Parts of the Province of New York during his stay at Albany Requesting His Honour that for the more Speedy Intelligence & Spreading the Alarme of an Invasion there might be Erected a Beacon on the Highlands of Neversinks, and also that his Honour would Direct the Regiments of the County's of Essex & Bergen to Repair to the Assistance of the City of New York in Case of an Alarm. And His Excellency the Late Governour of this Province having some Time before his Death Issued a Proclamation Where he ordered watches to be stationed in Several Parts of the County of Monmouth along the Sea Coast. And the Board being Informed that John Little Esq^r Lieuten^r Coll^l and John Redford Esq^r Major of the Regiment of the County of Monmouth were in Town Requested their Attendance and Information how far the Orders in the said Proclamation Relating to the County of Monmouth had been Complied with Who Attending accordingly Informed His Honour & the Board that Pursuant to the said Proclamation on the 28th & 30th Days of April Last Watches were Stationed at Squan, Deal and the Highlands of Neversink all upon the Sea Coast, and that these Watches have been from Time to Time Relieved and are at present Supplyd from the Regiment of Foot of County of Monmouth, that the Instructions given to these Watches are to give Notice to the next Commanding officers who have orders upon such Notice to Call together their Companys and to send forward the Alarme to the Commanding Officer of the County.

Whereupon this Board Advised His Honour the President to Issue his Order to the Collonel of the Militia of Monmouth County to the Purpose following viz^t

S^{ir}

I am this day advis'd by His Majesty's Council that it will be for the Security not only of this Province

but also of the City and Province of New York that a proper Beacon be Sett up and Erected upon the most Convenient Part of the Highlands of Neversinks in Order to Give the Erlyest Alarm of the Approach of an Enemy, And Do therefore in Pursuance of the s^d Advice Order that a proper Beacon be Erected upon the Said Highlands of Neversinks in such Place & in such manner as You shall think most proper. And I Do hereby further Order and Direct that You Give or Cause to be Given Orders to the Severall Persons who shall be appointed to Keep Watch near the said Beacon when Erected that They do not Presume to Sett fire to the said Beacon or Suffer any Person to Sett Fire to it without Your Order or the Order of one of the Field Officers of the Regiment under Your Command or the order of Richard Saltar, Nathaniel Leonard or Robert Hartshorne or of any one of you or them, but upon the approach of Six Ships or more, the Person then on the Watch is immediately to apply to some one of the Persons above mentioned, who upon such application is Requested to Proceed to the said Beacon and If he Judges, the s^d Ships to be Enemys he is then to order the said Beacon to be fired and is to send Immediate Notice to You or to one of the Field Officers of the Regiment of the s^t County who is hereby Required upon Receipt of such Intelligence to Send Notice thereof to Me or to the Commander in Chief of the Province for the time being—I am, &c.

This Board further Advis'd his Honor the President to Give Orders to the Collonel of the Regiments of Bergen & Essex to the following Purpose Viz:—

S^r

It has been Represented to Me by the Gentlemen of His Majesty's Council for the Province of New York to whose Care His Excellency the Governour of that Province has Recommended the Safety of the City and

Lower Parts of the Province of New York during his Absence at Albany. That in Case of an Attack upon the City of New York they would stand greatly in need of assistance from this Province which Representation being laid before His Majesty's Council for this Province they Unanimously Advis'd me to Issue Orders to the Regiments of Bergen & Essex that they should in case of Alarm Proceed to the Assistance of our Neighbours of New York I Do therefore by & with the Advice of His Majesties Council Order and Require You that upon Application from the Gov^r or Commander in Chief of the Province of New York for the Time being or uppon Application from His Majesties Council for that Province You do forthwith and without further Orders Call together and March the Regiments of Foot under Your Command or Order such Detachments as shall be Judged necessary to the most Convenient place for transporting them into the Province of New York and when there You are to Obey such Orders as shall be Given You by the Commander in Chief of that Province, or by his Majesties Council of that Province, untill You Returne into this Government—I am &c—

This Board further advis'd His Honour that he would be Pleased to write to the Gentlemen of the Council of New York who wrote to him, with a Copy of the Preceeding Minutes.*

Mr Edward Hart Represented to his Honour the President his Inability of Longer Supporting the Company Raised by him & that They must out of Necessity Disperse, unless His Honour will be Pleased to Advance a Sum of money for their Subsistence, which being Communicated to this Board, They are of Opinion that his Honour may Draw an Order on the Commissioners for that Purpose, which he does in the Words following

[The Letter follows, ending “I do therefore in Pursuance of the s^d Advice Order that You Pay to the Commanding Officer of s^d Company for the Use of s^d Company the Sum of Ten Pounds proclamation Money & to the s^d Commanding Officer for the Subsistence of the s^d Company 9^s per Man per Day. till the 27th Inst: inclusive or untill the s^d Edward Hart’s Return from Albany, which ever shall first happen And for so Doing this shall be your Warrant, Given under my hand & Seal this 13th day of August 1746.

JOHN HAMILTON.”]

* * * * *

The Board also Advised his Honour to Issue his Orders to the Captains of the Several Company’s Raised in this Province to hold themselves & their Company’s in Readyness to March to the Place appointed by His Honour for their Embarkation to the Place of General Rendezvous Upon the first Notice they shall Receive from His Honour

* * * * *

Proceedings of the Council of New Jersey, September 27th, 1746.

[From Papers of Ferdinand John Paris in New Jersey Historical Society Library.
Book P, No. 15.]

PRESENT

The Hon^{ble} John Hamilton Esq^r President

| | | |
|----------------------|--------------|---------------------|
| Robert Hunter Morris |) James Hude | } Esq ^{rs} |
| Edward Antill |) John Cox | |

His Honour acquainted the Board that Agreeable to the Advice of the Council Given on the 22^d of August Last for the immediate Embarkation of the Company Raised in this Province, He had Issued Orders to the

Commissioners appointed for Arming & Cloathing the Troops to Supply them with the Several Necessarys Provided pursuant to Orders he had formerly Given And also to the Commissioners Appointed to Victual & Transport the Troops to Prepare proper Vessels for that Purpose & Ship the Provisions Supplied by this Province for the Use of the Troops, And being Informed by the Several Commissioners that the Transports, Provisions, Arms, Cloathing, Battows &c the Necessarys were ready. He gave Orders to the Several Captains of the Companys Raised in this Province immediately to Embarke with the Respective Companys under their Command & Proceed to Albany in the Province of New York & when There, to obey such Orders as they should Receive from the Commander in Chief of that Province for the Time being, and a Sett of Instructions for their better Government in the Embarkation and Transportation of their Company[s] to Albany—

His Honour was also Pleased to Inform the Board that agreeable to the Orders he had Given, four of the five Companys Raised in this Province were Embarked at this Place on the 2^d of this Inst. with the Arms, Ammunition, Provisions, Battows & other Necessarys & Sett Sail for Albany on the third day of this Inst. And that the other Company was Embarked at Newark on the 30th of August Last with the Several Necessarys and Sett Sail on the 1st of this Inst. for Albany—

He also Informed the Board that by Letter from his Excellency Gov^r Clinton Dated the 19th Inst. He had Received Intelligence that the Troops at Albany were to be Joyn'd by 2500. Men from the Governments of Boston and Connecticut & were then to Proceed under the Command of Gen^l Waldo to Crown Point. Upon which he Observ'd to the Board that the five Companys Sent from this Province had no Field Officer to Command Them & that he had not Receiv'd any Com-

missions from his Majesty for that Purpose & Desired the Advice of the Board what to Do on this Occasion. Who Taking the same into their Consideration are Unanimously of Opinion that it will be greatly Prejudicial to his Majesty's Service to Suffer the Troops Raised in this Province to Go upon Duty without some Field Officer or Person to have the Chief Command of them under Gen^l Gooch or such other General as shall be Appointed to Command, And therefore Advised his Honour to Issue a Commission to some proper Person by Virtue of the Powers Devolved on him by His Majesty's Commission under the Great Seal of Great Britain, Appointing such Person Colonel of the Forces Raised in this Province for the intended Expedition and Unanimously Recommended to his Honour Peter Schuyler Esq^r a Gentlemⁿ well known to the Several Members of this Board, of good Estate & Reputation & very proper to by him Commissionated for that Purpose.

This Board being Inform'd that one of the Beacons Erected on the Highlands of Neversink by the Order of his Honour the President agreeable to their Advice to him on the 13th of August Last, had been by Accident Lately Sett on Fire in the Night Time & also that no Notice had been Taken of it by the Persons Appointed in the Government of New York to Take & Communicate such Alarm, Whereupon they Unanimously Advise his Honour the President to Inform the Gent. of His Majesty's Council of that Province of the Neglect of the Watch Stationed There, in Order that They may Take such Steps as will Prevent the Like for the Future.

*Letter from President John Hamilton to the Council
of New York—relating to the destruction of the
Beacon on the Highlands of Neversink.*

[From N. Y. Col. MSS., Vol. LXXV, page 91.]

Perth Amboy September 27th 1746.

Gentlemen —

I think it my Duty as well in Regard To His Majesty and the Trust Reposed in me, as to the Security and well Being of the Province the Lower Part of which is at this Time more Immediately Committed to Your Care, To Acquaint You that by undoubted Information I am Satisfied that the Beacon sometime ago Erected on the Highlands of Neversink was by pure Accident Sett on fire not long Since in the Night, at a Time when it might very well have been Discovered by the Persons Appointed in your Government to Take and Communicate such an Alarm Notwithstanding which no Notice was Taken of it, This to me makes it more than Probable that the Watch appointed in your Government on this Particular Service have been too Negligent in their Duty and however Lucky it may be thought that Your Province has Escaped a false Alarm, Yet I make no Doubt but that You are of Opinion with Me that an Alarm from [any] Quarter when Rightly Given must be of the Utmost Importance and therefore hope you will for Our Mutual Security take such Steps in Regard to your Watches as will Effectually Prevent the Like Neglect for the Future I am Gentlemen

Your most Obedient Humble Servant

JOHN HAMILTON.

The Hon^{ble} His Majesty's Council of New York.

*Letter from Captain Joseph Espinosa to Governor
Clinton of New York.*

[From N. Y. Col. MSS., Vol. LXXV, p. 104.]

New York Novemb^r y^e 5th 1746

S^r

Your Excellency will pardon Me to take the Liberty to trouble You on this Day Its not in Regard to Myself Nor My Interest but Intirely on account of What May happen hereafter to the prisoners at the Havanah who I am affraid May Suffer on Account of my people being treated In the Manner they are at Amboy by being Confined Every Night In Goale Occasioned by my being Carried In there by Cap^t Eason who Not regarding Your Excellencys passport but Told me he had a better then that of Your Excellency by which means he Carried me to Amboy taking Your Excellencys Letters & whatever papers Letters I had & my wearing Apparell Excepting what I had on till after were prevailed on to give Me a Little Linnen. I know nothing I have been Guilty of In taking anything on board My Vesselle but what was Publick & Submitt My Selfe to the Laws of the Government In w^{ch} I was Taken out of & am assured Your Excellency will when properly Comes before You Do me all the Justice My Case Requires which I beg May be Done as Soon as Your Lasure will permit Considering My peoples Nakidness & the heavy Charge I am at not only In regard to them but the prisoners of Warr I had on board that are now upon my Expence as I must suppose without am Redrest by the Laws of Your Country I have Severall transactions to Relate to Your Excellency w^{ch} will be two tedious for Your Excel-

lency to have here Incerted till Am on Oath So Shall
Conclude & till Your Excellency appoints me a hear-
ing & am with the Greatest Respect Your

Excel^{ys} Most Obedient & Most

Humble Servt.

JOSEPH ESPINOSA.

*Petition of Joseph Espinosa to Governor Clinton, and
other papers connected with the seizure of the
sloop St. Migel.*

[From N. Y. Col. MSS., Vol. LXXV, pages 107-110.]

To his Excellency The honorable George Clinton
Esq^r Captain Generall and Governour in
Cheif in and over the province of New
York and Territories thereon depending in
America and Vice Admiral of the Red
Squadron of his Majestys f fleet.

The humble Petition of Joseph Espinosa late
Commander of the Sloop S^t Migill sent to
this Province as a flag of Truce by the
Governour of Havannah with English
Prisoners.

Sheweth,

That your Petitioner being fully impowered by a
Commission from the Governour of Havannah as a
flag Truce did in his Said Sloop sometime Since sail
from thence and on or about The ninth day of July
last arrived in This Province with sixty-nine English
Prisoners who had been taken by the Spaniards and
delivered them Safe on Shore in the City of New York,

That sometime afterwards and on or before The Eighteenth day of October last Your Petitioner with Your Excellencys permission did take on board his said Sloop Sixteen Spanish Prisoners partly in Exchange of the Said English prisoners, And Your Excellency by an Instrument under Your hand and Seale at Arms did Vouchsafe to Grant unto Your Petitioner a Certificate thereof and safe pasport to your Petitioner from home [hence!] to Havannah and thereby desired that all Comanders of his Majestys Ships of Warr and Privateers should Regulate Themselves Accordingly And Your Excellency at the Same Time did deliver under your Petitioner on his Britannick Majestys Service one Letter from Your Excellency and two letters from the Governour of Pensilvania directed to the Governour of Havannah

That your Petitioner on The Next day to witt the Nineteenth day of October last having on board the passport letters and Spanish prisoners aforesaid thinking himself Safe under the Protection of your Excellencys said passport sailed from the Port of the City of New York in his said Sloop towards the Narrows on his Returne to Havannah That about midway between Nutten Island Point and the Narrows which (as Your Petitioner is informed) is within the bounds and Jurisdiction of this Your Excellencys Government of the Province of New York and is with in Sight of the Fort of New York about one of the Clock in The Afternoon he was attacked, fired at and taken by one John Easom with about eleven or twelve men on board of a Small two Mast boat That imediately after The said men came on board Y^r Petitioners Sloop he Produced and Shewed Your Excellencys said Passport to the person who y^r Petitioner was told was Captaine but he taking no notice Thereof ordered Your petitioners people into the hold of the Vessell and put three Centinells with drawn Swords in their hands in Three different Parts of the Vessell,

That among the persons by whom he was so taken there was one Michael who your Petitioner took to be the Lieutenant and who understood the Spanish Language, to whom Your Petitioner applyed and acquainted him that your Petitioner had a good Passport from the Governour of New York and desired to know why they used him in that manner, to which the said Michael answered that Your Petitioners Passport would Serve him to no purpose, that the Governour had deceived him and that they had a better Commission.

And your Petitioner further sets forth that the Persons by whom he was so taken Carryed his said sloop with him and his men that Evening to Perth Amboy in the Province of New Jersey where his people were put in Prison and about Midnight that same Night severall of the said Captors came to your Petitioner and demanded papers which he delivered to them among which were Your Excellencys Passport and Letter and the other Letters aforesaid, The Pass from the Governour of Havannah and all his papers of Consequence.

That your Petitioner is informed that on the Twenty Second day of October last a Libell was filed in the Court of Admiralty of New Jersey in the Name of John Easom Comander of the "private Vessell of "Warr Called Ranger in behalf of himself and the "owners and Company of the said private Vessell of "Warr, Praying that the Cargo of Goods on board of "Your Petitioners said Sloop might be unladen and "that the Kinds and Qualitys of the Goods on board "might be Inspected and a full account Thereof Taken "& Exhibited into that Court and that all such Goods "on board as were not necessary for Provisions for "Your Petitioners and his Passengers and men & "were not Exempt from Seizure and Confiscation "might be Condemned as Prize.

That sometime after by Virtue of an Order from The Said Court Your Petitioners said Vessell was unladen and all the Goods that were on board were taken out and put into a Store at Perth Amboy.

And your Petitioner further Sheweth that it was insinuated in the Said Libell that Your Petitioner was under Just Suspicion of having Gunpowder Shot and Warlike Stores on board his said Sloop purchased or procured at the City of New York nothing like which appeared upon unlading the Said Sloop.

And your Petitioner doth further Shew that the Said Captors finding that there were no warlike stores or Contraband Goods but there were some other Goods belonging to Your Petitioner on board They in order to give some Color to Their unjust Proceedings in Taking Your Petitioner and his said Sloop and Goods within the bounds and limits of Your Excellencys Government and to distress and delay Yo^r Petitioner. The Proctor for the said Libellant on the twelfth day of this Instant November did deliver into the said Court of Admiralty a List of some of them by the name of a "List of Sundry Merchandizes Taken from "on board the Sloop St. Migill Vila Vergin Delos "Dolores Don Joseph Espinosa * * * * for the "Havannah claimed by the Libellants." Well knowing that your Petitioner is wholly a Stranger here and That he Cannot find any Security in this Place to Prosecute his Claim and Right to the Same as is Commonly used to be insisted upon in Some Cases by means whereof Your Petitioner is not only in danger of Wholly losing his Said Goods but also he and his people who are almost Naked not having Cloaths to Withstand the inclemency of the Weather in this Cold Climate by being long delayed here will be in great danger of Perishing unless Your Excellency will be Pleased to Grant him Some aid and assistance in the Premises whereby he may be Speedily relieved out of

this Great distress and be enabled soon to return to Havannah.

In Tender Consideration of all which and for as much as your Petitioner, his Vessell and Goods attacked and taken within the limits and bounds of The Province of New York, he at the Time of his being so Taken having and being under the protection of the passport granted to him by Your Excellency then and Still being not only his Brittannick Majestys Governour of the said Province but also Vice Admiral of the Red Squadron of his said Majesties Fleet.

Your Petitioner Therefore most humbly Prays that Your Excellency will be favorably pleased to direct his Majestys advocate Generall for the said Province of New York to Enter and Prosecute a Claim in the said Court of Admiralty in his Brittannick Majesties name on behalf of Your Petitioner for his said Goods or to grant to your Petitioner such other relief in the Premises as your Excellency Shall think proper just and Reasonable.

And your Petitioner shall ever Pray &c.

JOSEPH ESPINOSA.

[Affidavits in Support of the Charges in the foregoing Petition.]

The Examination of Joseph Espinosa Master of the Sloop S^t Migel a Flag of Truce that Came from the Havannah & arrived at the Port of New York on the Ninetcenth of July 1746 Taken before a Committee of His Majestys Council of the Province of New York on Monday the third day of November 1746. Mr. Jacob Rodrigues Reveres being sworn Interpreter on that Occasion.

The said Joseph Espinosa says That he sailed in the aforesaid Sloop S^t Migel from the port of New York

Yesterday was Fort' night On his Return to the Havannah; That he had Dispatches as Master of a Flag of Truce from his Excellency the Governour of New York as also a Letter from his said Excellency to the Havannah: That so soon as he had sailed with his vessel out of the Harbour & passed Nutten Island point The person who was his Pilot ordered the Foresail of the Said Sloop to be struck and desired Him (the Examinee) to prepare for coming to an Anchor, That the wind and tide were both at that time very fair, That soon after the Examinee discovered two Shallops at a Distance the largest of which had one Mast and the Smallest two Masts That the Pilot upon looking at the said Shallops or Boats through the Examinators Spying Glass Told him That the largest of the said Boats belonged to himself and that thereupon the Pilot ordered the Colours of the Examinees Sloop to be lowered half Mast Which the Pilot told the Examinee was a Signal for his Boat. That when the said two Boats were within the Distance of Six Rod of the Examinees Vessel. Several of the Men in the two Mast boat rose up and being come a little nearer one fired a pistol That there were in all he believes eleven or twelve in the Boat. That he Ordered his sails to be lowered and thinks he was at that Time about Midway between Nutten Island Point & the Narrows. That they threatned the Examinee in the Spanish Language holding up their Pistolls & Cutlasses because they thought he was not quick enough in lowering his sails, upon which he told them That he had ordered his Sails to be Struck as soon as possible, That about Eleven or twelve men came out of the said two Mast Boat on Board the Examinees Vessel and soon after M^r Leister the Pilot also Came on board and took charge of the Vessel in the Room of the Pilot That had charge of her before who then went aboard the Boat he called his own, That the Examinee pro-

duced the passport given to him by his Excellency the Governour of New York to a Person whom he was told was the Captain and who the Examinee says is a tall man and has one of his legs swelled. That he took no notice of the Pass but Ordered the Examinees' People into the Hold of the Vessel and Put three Centinells with drawn Swords in their Hands at different Parts of the Vessel. That among the aforesaid Eleven or twelve men was one Michael whom the Examinee took to be the Lieutenant of the Aforesaid two Mast Boat & who understood Spanish That he acquainted Michael that he had a good passport from the Governour of New York with the Approbation of the Council and Desired to know why they had used him in that Manner That he Answered That his passport would serve him to no purpose The Governour had deceived Him And They had a better Commission That the Examinee (taking them to be pirates) offered to pull off his Clothes and desired them to take all he had, Spare his Life and put him on Shore. That they then told him he need not to do that for they should soon come to a Place where in two days they would take out what was in his Vessel and ballast him with stones and Water and send him away; That they brought the Examinee with his Vessel to perth amboy that Night where his People were put in Prison. That about Midnight severall of the aforesaid eleven or twelve Men came to him the Examinee and demanded his papers, which he delivered to them among which were the Governour of New York his Pass. The pass from the Governour of Havannah and all his Papers of Consequence and desired them to take Notice of his giving up of those papers That they put all the Papers in a Sheet of Paper and desired the Examinee to seal them up together which the Examinee did with a seal one of them gave him & which seal he hath now in his Possession. That on the Monday following

Capt^r Farmer Mr Lewis and Capt^r Baines came on board the Examiners Vessel and told him they had Put their three slaves in Prison whom he understood to be the three Spaniards that were delivered to him by the [order?] of his Excellency the Governour of New York in Council. That those Gentlemen told him That if he would carry those Spaniards with him he must pay for them for that they intended to keep them as Slaves until they were paid for. That the Examinee replied he had nothing to do with it. He had acted in Obedience to the aforesaid Order. That the aforesaid Michael interpreted between him, the Examinee and the said three Gentlemen, Told him that They Said that the Governour of New York told them It was the Examinates Fault That those three Spaniards were taken away. And the Examinee further Says that the Men belonging to the aforesaid two Mast Boat took away all his Keys, Chests & Clothes That some day afterwards they sent him (upon the Advice of Some Gentleman at Amboy) a small Frank [Trunk?] with all his Linnen but that the rest of his Clothing they have in their Custody

JOSEPH ESPINOSA

Sworn before me the day of
November 1746.

DAN^l HORRMANDER.

The Examination of Michael Beasley of the City of New York Mariner taken before a Committee of his Majestys Council for the Province of New York At the Council Chamber In the City of New York the fifth day of November 1746:

Michael Beasley the Examinee Says that he was on board the privateer Ranger in the Capacity of a Fore-mast man when the Flag of Truce that lately sailed

from New York on her Return to the Havannah was taken by the said Privateer. That She was taken he thinks a little below Sinimione Ferry about Midway between Long Island & Statten Island. That he was Interpreter between the Spanish Captain and John Easom the Commander of the Privateer. That he told the Spanish Captain by the Directions of the said Easom That they had received Information of sundry Goods & Merchandize being shipped on board his Flag of Truce by some persons in New York which he must deliver up or he would otherwise be carried into an English Port and that he must shew them the Letters & papers he had; That among the papers produced There was one which the said Espinosa said was the Governour of New Yorks Pass That the Examinee told him (by the directions of the aforesaid Easom) he might put it in his pocket. The Examinee says That when they had brought the Vessell to Amboy the Spanish Captain was told That if he would deliver up such Goods as he had on Freight & the Invoice of Goods Consigned to him. He might go about his Business. To which he replied That he had only his Provisions and a few Trifles belonging to himself on board the Examinee Says that the aforesaid privateer was fitted out to take this Flag of Truce or any of his Majestys Enemies. Information having been given that She had on board Gunpowder & other Warlike Stores That Captain Tingley, Captain Easom and himself are the only persons the Examinee knows of that were Concerned in fitting out the aforesaid Privateer The Examinee being asked why he did not inform the Government of New York. That Inform^a had been given Them That Gunpowder & other warlike stores were on Board the Flag of Truce, said the aforesaid Espinosa had offered to Engage him the Examinee and his ship to carry a Cargo of Flour to the Havannah where he would insure him to get seven pieces of

Eight and a half for each Barrell. The Examinee being asked whether he thought the aforesaid privateer was a fit vessell to go to sea to Cruise ag^t his Majesties Enemys Said He thought she was a suft^t Vessell for that purpose and would go to sea and Command her and has gone to Sea in a less Vessell.

MICH^t BEASLEY.

The examination of John Easom of the City of New York Marriner, taken before a Committee of his Majesties Council for the province of New York At the Council Chamber in the said City on the fifth day of November 1746.

The said John Easom says That he lately had a Comission from the Judge of Admiralty of the Province of New Jersey as Commander of the Privateer Ranger a two Mast Boat, Burthen about five or six Tons belonging the port of New York. That one Acklin was his Lieutenant That himself Captain Tingley and Captain Beasley fitted out the said boat, having first [fixed?] at a Certain Sum to be paid for Each day they should keep the said Boat in their Service. That on Sunday the 14 of October last, The Examinee being in the aforesaid boat with eleven or twelve white men and three or four Negroes Took a certain Sloop that Came as a Flag of Truce from the Havana and was then on her Return from New York to that place as he beleives of which Sloop one Espinosa was Master or Commander, That at the time of taking her the Examinee was near the Watering place on the Staten Island Shore, That the Examinee as soon as he came on board the Flag of Truce asked the said Espinosa by one Michael Beasley who was Interpreter between them what Goods or Merchandizes he had on Board and desired him to deliver up his papers. That the said Espinosa gave the Examinee his Excellency the

Governour's pass, which the Examinee bid him put in his Pocket and some other Papers which the Examinee delivered to him again That the Examinee then Carried the said Espinosa and his Vessell into Amboy Acquainted the president of the Council that he had taken the Flag of Truce that came from New York and desired to know what to do with the prisoners. That the president at first said he did not know. But upon the Examinators desiring to know if they could be Secured that Night, The President Ordered one M^r Smith to go with the Examinee to have them secured. That the Night of his Arrival there he ordered his Lieutenant to go on board the Flag of Truce and to take what papers he could find and get the Spanish Captain to Seal them up with his own Seal which his Lieutenant afterwards told him he had done accordingly And which papers together with some others that were found by the Marshal of the Admiralty on his taking out the Goods, the Examinee says he has now in his possession That the Examinee did not take away the said Espinosas wearing apparel But on his refusing to take them they were put them along with the Goods taken out of the Flag of Truce and are now he supposes in Custody of the Marshall of the Admiralty Except some of his Linnen which was afterwards given to him, That the Examinee offered to deliver up to the said Espinosa all the people that were on board The Flag of Truce at the Time she was taken except four Negroes which appeared by Receipts among the said Espinosas papers to have been Purchased by him at New York whom he detained as Merchandize and as such they are Libelled, That three Negroes were claimed by Mess^{rs} Farmer Lewis & Bames and afterwards taken by writts of Replevin. The Examinee being asked whether his Commission was taken out for any other Purpose than to take the aforesaid Flag of Truce He said that he intended to take any of

his Majestys Enemys or their property wherever he could find them, And the Examinee being also asked how he Came to take a Flag of Truce in this Government that had his Excell'y the Governours pass Said he acted as he Conceived pursuant to his Instructions and not with advice The Examinee further says That the aforesaid Lieutenant did deliver unto him the papers above mentioned to have been sealed up with the Spanish Captains own Seal and that the Examinee or any other to his Knowledge has not opened the said Bundle of papers Sealed But that he offered before Mr Kearney & M^r Nevil of Amboy to deliver to the said Espinosa the Spanish Captain his Vessell & more provisⁿ than was found aboard & all papers Contained in the said Bundle relating to the said Espinosa as a Flag of Truce and that the Ex^c would not nor did not suffer any of his people to meddle with or touch any of the prov^s or Store belonging to the Flag of Truce, The Examinee being asked whether he thought the aforesaid privateer was a fit Vessell to go to sea to Cruise ag^t his Majestys Enemys said that answered their Purpose.

JOHN EASOM.

Letter from Elisha Parker, Acting for the Proprietors of East Jersey, to the Committee making the proposals under date of August 11th 1746.

[From Papers of F. J. Paris in the New Jersey Historical Society Library, Vol. P. and P. R. O. B. T. New Jersey, Vol. V.]

Perth Amboy August 29th 1746

Sir

Had you Staid in this Town the half hour which you agreed to Stay on Wednesday the 13th Instant when you delivered me the paper Dated August 11th Said to be transcribed by Order of the Committee. I

Should then have acquainted you that I had Laid that paper before the Council of Proprietors. And that the Proprietors have but Joseph Murray, William Smith & David Ogden Esq^{rs} for their Council & Elisha Parker the Subscriber hereof for their Attorney Engaged in this Cause nor have they Engaged nor do they intend to Engage any more than the said three Council and one Attorney in this cause—and that they did not think proper to release any one of their said Council for the reasons following viz^t

1st because they have been Several Years feed as Council in this matter and have advised on & perused the draught of the Special Verdict proposed by the Letter of June 30th to be prepared On the part of the Proprietors and the Evidences to Support it, and it might be of the most mischievous Consequence for any one to whom the Evidences of a Title on one Side are Communicated that he should be afterwards Engaged as Council or Attorney on the other Side.

2^{dly} for that their are many other Attorneys & practitioners of the Law of note in New York, New Jersey, & Pensilvania who practise in the Courts of New Jersey, who are neither Engaged by fee or Interest on the side of the Proprietors

3^{dly} For that if the other Attorneys & Council not Engaged in this Cause. have refused or should refuse to be Concerned in it, for the Committee The Council of Proprietors are well assured that the Committee have been informed near a Year agoe by M^r Ogden that the Supream Court could & upon application no doubt would, Oblige a proper number of Attorneys & Council to serve the Committee; and they think its a pity that the Committee should have neglected the three Several Terms of March. May & August last to move the Court for that purpose, At any of which terms they might have moved this matter, if the Committee had thought proper so to doe

To the above purpose I Should have Acquainted you had you Staid the half hour agreed on and the Committee might thereon have moved the Supream Court (which was then Sitting, and continued Sitting till the Tuesday after) for Such Attorneys and Council to be appointed them as they might have thought proper to name. But as you did not then Stay, The Council of Proprietors upon further consideration of the said Paper of August 11th have Ordered me to Acquaint you that they are Sorry for the Loss of so much time as may be occasioned by the neglect of Joyning Issue in Last Term (which they on their parts were ready to have done,) for it may draw with it the Loss of the next Term of November which Sits at Burlington, and where probably neither of the Council or Attorney of the Proprietors do design to Attend, and, where it would be as Difficult for the Committee (who Live above 70 Miles Distance from Burlington) as for the Proprietors to get persons to attend there, to Enter into Bonds—muttually according to the proposals of the Letter of June 30th—

To prevent which Loss of time as much as possible I am Ordered by the Council of Proprietors to acquaint you that at any time betwixt this and next November term, upon a week's Notice from the Committee, I as Attorney for the Proprietors will be ready at Perth Amboy to Enter into the General Rule, and to give Security to prosecute the Suit as is proposed to be done by the Letter of June 30th upon their doing the Like.

And also to acquaint you that the Council for the Proprietors will be ready at New York upon a weeks notice There to Settle the form of the Special Verdict in the Cause with whatever Council or Attorneys the Committee Shall Employ. If which be done & agreed on before next November Term *They* the Council of Proprietors will Employ one of their Council at Law on purpose to go to November Term At Burlington, in

order to have the Special Verdict found & then & there to argue & pray Judgment upon it & to do everything with Speed as proposed by the Letter of June 30th or Shall be agreed on between their Council & the Council of the Committee

I am also Ordered to Acquaint you that Mess^{rs} Alexander & Morris were ready & attending at Perth amboy on the second Tuesday of August instant to have given bonds with Security according to the Letter of June 30th And that Still at any time between this and next November Term on a Week's Notice they will be ready to give Such Securitys upon the giving to them Securitys as by the said Letter proposed.

I am also Ordered to acquaint you that there are Sundry things. in the Said paper of August 11th which the Council of Proprietors are far from admitting to be true or Just reserving to themselves the Liberty of pointing them out when occasion requires, which they think no way necessary to do by this Letter I am

Sir Your humble Servant

ELISHA PARKER,

Attorney for the General Proprietors of East New Jersey on the Cause of Stykes on the Demise of Sir George Carteret Versus John Noakes for Lands in possession of Francis Spier.

To M^r Nathanel Camp.

Sept^r 19th 1746, This Day I delivered to M^r Nathanel Camp the Original Letter whereof the preceding is a true Copy Witness my hand

DAVID OGDEN.

Affidavit of Elisha Parker, Attorney at Law, relative to legal proceedings of the Committee of the Rioters.

[From P. R. O. B. T. New Jersey, Vol. V.]

ELISHA PARKER Attorney at Law being duely Sworn on the holy Evangelists on his Oath declares that he

being Employd as Attorney for the General Proprietors of the Eastern Division of New Jersey in the Action of Ejectment agreed to be brought by them by their Letter of June the 30th 1746 in Compliance with the proposals made to the Assembly by the Committee of the Rioters in April Last, and delivered to the Late Governour, he did write the Original Letter directed to Nathaniel Camp bearing date the 29th day of August Last whereof a true Copy is annexed and does verily believe that David Ogden one of the Council for the Proprietors in that Action did Deliver the Said Original Letter according to his Certificate whereof Copy is at the End of the Said Letter and further Saith that neither the said Nathaniel Camp nor any of the Rioters Committee nor any of them has ever Since applyd to him to Joyn Issue in the said Action or to do anything whatsoever in pursuance of the said Letter of August 29th Last and farther Saith that he attended the Supream Court, at Burlington in November Last, the greatest part of the Term during all which time no application whatsoever was made by the said Committee or any of them or any for them, for having any Attorneys or Council assigned them for the Defence of the said Action, and Since the End of the said Term of November he has perused the Minutes of the Supream Court during that Term in which he has not found any Such motion to have been made nor has he otherwise heard that any Such motion was made and farther this Deponent doth verily believe that no application has been made to any of the Proprietors Council by the Said Committee of the Rioters or any of them or any person for them pursuant to the said Letter of August 29th because this Deponent has Lately Since November Term aforesaid been told by Joseph Murray and William Smith Esq^r that no Such Application has been made to them or either of them and as to David Ogden the other Council he this Deponent

has also since the said November Term discoursed with him about the said Letter of August 29th and if any such application had been made to the said Ogden this Deponent doubts not but he would have Communicated it to him but so far from it that he told this Deponent he did not believe the said Committee wanted to have a Tryal at all and further Saith not

ELISHA PARKER¹

Sworn the 23^d day of December 1746 before Rob^t H. Morris.

State of the Facts about the Riots from September 19th, 1745, to December 8th, 1746.

[From Copies among Papers of F. J. Paris in New Jersey Historical Society Library Book P, No. 1 and Bundle X, p. 13.]

State of the Facts, Concerning the Late Riots at Newark in the County of Essex, & in other parts of New Jersey; December 24, 1746.

proof of the [Sent over by the Councill there to the Duke
Facts Appearing of New Castle & Lords of Trade.]

Letter of 1745 September 19th one *Samuel Baldwin*
Sep'r 1745 being Committed to the *Goal* for the *County of Essex at Newark* in An Action of
from the 2d *Trespass* for Cutting of Trees wherein he
Judge of the refused to give bail, or Enter an Appearance, About One hundred and Fifty men, in
Supream Court & Justices, & Sheriff of Essex—
To Chief Justice Morris. a riotous manner, came to the said Goal,

1

Elisha Parker

was bred to the profession of the law under James Alexander, whose daughter

Catherine, he married. He was licensed May 2d, 1745, and died of consumption March 14th, 1761, aged 47. His widow married Walter Rutherford, then an officer in the Army and was the mother of the late John Rutherford of Belleville.—Ed.

Ne w York
post-boy of
feb. 17. with Clubbs, Axes and Crowbarrs, broke open Said Goal, and took out the said Prisoner.

Several of the said Rioters then Used many threatening expressions, against all persons that Should Endeavour to punish any of them for perpetrating the afores^d fact.

They then further threatened that, Should any person be Committed for the above Fact, or for any Trespass done on Lands claimed by them on any Indian purchase Right, they would come to Such persons relief with double the Number of men. —This threatning they made good by the Riot of January Last hereafter mentioned.

On the Same 19th of September the said Rioters at the Same time threatned that they would be assisted by *One hundred Indians* for the relieving of any Person that Should be so Committed.

This Threat, at that time, and till Lately, was thought, by most people, to be ridiculous and impossible, because the whole Province of New Jersey had then Scarcely half that Number of Indian men belonging to it, or residing in it, and not one of them within thirty Miles of Newark, and but two Indian men, within fifty Miles of Newark, to Witt, Andrew & Peter Living near Cranberry on the Navesink Side of Raritan, about forty Miles from Newark, but the Transactions of the Committee of the Rioters, with the said Andrew, in February before the said Riot and the Information herein after mentioned of the Number of Indians Lately Come, and Expected to come, to Live near to the said Andrew (on Some Lands he there claims as his) is like to render that Threat not only possible to be put in Execution, but probable that it will be So.

On the Same 19th of September two Justices of the Peace with the under Sheriff of the said County of

record filed
in Supr: Court
& Copy with
Attorney
Genl! Essex—Recorded the said Riot on their View
to have been Committed by twenty seven
persons, by them named in their Said Rec-
ord, and by many other Evil doers and Dis-
turbers of the Peace of our Lord the King, to them
unknown, to the Number of One hundred Persons, at
the Least.

1745 September 24th a Court of General Quarter Ses-
sions of the Peace being then held at Newark, for the
the Indict- said County of Essex, the Grand Jury
ment in that thereof presented a Bill of Indictment
Court & Copy against Six of the Rioters with many others
in Attorney Unknown, for committing the said Riot.
General hands

1745. September 28th His Excellency the Governor
of this Province Sent a Message to the then house of
Representatives; in which amongst other things he
Set forth the Dangerous State of this Pro-
vince in relation to the French and Indians,
and in which Message there is also this Para-
graph;
printed Min-
utes of Assem-
bly herewith
No. 1 page 5

“I send you also an Account of a Notorious Riot,
“Lately Committed at Newark. if it be not Something
“worse: If the Indians can be prevailed on to joyn in
“Attempts of this Kind, we may soon have a war
“with them in our own bowells, encouraged by the
“Kings Subjects; The threat is of Dangerous Conse-
“quence, But if they Should not, if these Rioters can-
“not be brought to Justice, all Civil process must Soon
“Cease, and the Government be overturned, The Infec-
“tion will soon Spread, from Such a Notorious Riot,
“to a Rebellion; So that I hope you will not be want-
“ing in your Care Concerning it, and making Such
“Provisions, by a Militia Act or other Acts, as to pre-
“vent the Like for the future.”

1745. October 3^d The then House of Representatives
Sent to His Excellency a Message in Answer
said Minutes of Assembly to his in which amongst other other things
page 10 there was this Paragraph.

It is with Concern they hear of the Riott committed at Newark, and with Abhorrence of all Such Actions Look on those who will not be Subject to the “good
 “and wholesome Laws of our Nation as Enemies to
 “the common Good—Nevertheless, as far as we know
 “the Laws, now in force, are Sufficient for the pun-
 “ishment of those that are Guilty of the breach of
 “them, and the House are of the Oppinion that all
 “Violaters of the Laws ought to be very Early brought
 “to Justice, otherwise, as His Excellency very justly
 “observes, the infection will soon Spread?”

To which his Excellency the Governor by a Message of the 18th of October 1745, did reply, in these words,
 “The Laws are Sufficient to punish Rioters, or other
 “Offenders, but neither the present Militia Act, nor
 “any that you have Attempted to make, are Sufficient
 “to Quell a Riot *of this kind*, or perhaps an Insurec-
 “tion, for which force may be Necessary, which can-
 “not be Continued, without Some provission to Sup-
 “port them, nor can the Officers and Courts necessary
 “to Convict them, attend that Service,—without Sal-
 “arys, or Some provission to deffray the Charge of
 “prosecution, which are not provided, nor, as appears
 “intended to be provided, by your house.

On the Same 18th of October 1745 His Excellency the Governor, by Advice of the Council,
 Minutes of the Governor, by Advice of the Council,
 Council & Issued his Orders to His Majestys Attorney
 Warrant General, to proceed, with all Convenient
 Sign'd by the General, to proceed, with all Convenient
 Gov^t Speed to prosecute, by Information or other
 Lawful Method, Agreeable to the Laws of England
 and the Province of New Jersey, Such Delinquents as
 were then already discovered to have been Active in
 the said Late Notorious & Dangerous Riot Committed
 at Newark and Such others as from time Should be
 discovered to have been Active therein.—

On the Same 18th of October His Excellency the Governour by and with the Advice of His Majesty's

Council Issued his Warrant under his hand & Seal At Arms, directed to the Sheriff of the County of Essex, thereby Commanding the said Sheriff to make Diligent Search for & to apprehend the said Rioters, & to bring them before the Chief Justice, or Some other Justices of His Majesties Supream Court of Judicature for the Province of New Jersey, who were thereby directed to Committ them to any Common Goal, in whatsoever County of the said Province they Should think most proper, untill they Should Severally find Sureties for their personal Appearance, at the next Supream Court that Should be held in and for the said Province after their being so Apprehended, and to be of the good behaviour in the meantime; thereby further Commanding all Sheriffs, Coroners, Constables and other Officers, in the Several Counties of the said Province, and all others his Majesty's Liege Subjects, to be Aiding and Assisting the said Sheriff in Apprehending and taking the said Rioters.

1745. January 15th The Sheriff of Essex by virtue of the said Warrant, and Also by virtue of Writts, Issued out of the Supream Court, upon the Record of the aforesaid, at Newark aforesaid, Arrested *Robert Young, Thomas Sarjeant, & Nehemiah Baldwin* three of the persons Named in the Record aforesaid, and then proposed to them to Enter into Recognizance, as the Said Warrants and Writts required;—The Said Young & Baldwin pretended they had no friends in Town to do it, but would Send to their friends to come to do it with them;—Serjeant had a Brother in Newark Town, who Offered to be his Surety, but Serjeant absolutely refused to Enter into any Recognizance; wherefore the said Sheriff Committed them to Newark Goal and he being, as well Collonel of the Militia, as Sheriff of the said County, Ordered two of the Officers, of each of the two Com-

Letter of Jan.
22 1745-6 from
5 Justices of
Essex to the
Attorney Gen-
eral N^o 2, &
Sheriffs Ac-
co^t of the
Riot N^o 3 the
Original of
both before
the Assembly

pany's of foot, belonging to Newark, to raise fifteen men each, to guard the Prison that night, which, with a great deal of trouble, was, at Last done.—And the Sheriff watched with them, himself, all that night.

1745. January 16th in the Morning Sundry of the Guard, who watched, wanted to be discharged, but the Sheriff refused to discharge them till other men were
 the Same got to relieve them, & Sent the Officers of
 proof as the the Guard to bring others, but they could
 Last Article get none; wherefore the Same persons Continued on Guard.

About ten in the Morning of the 16th the said Sheriff Ordered Several persons present to Assist him, in Carrying Baldwin, one of the Prisoners before a Judge of the Supream Court, as by the said Warrant he was directed, most of them made frivolous pretences, as that they had no horses, and could not go, and perceiving their Coolness to Assist him, he with all he could gett, which were only Major Johnson, Isaac Lyon, Daniel Harrison, and two or three more proceeded with the said Baldwin, but before he had gone two Miles, they were assaulted by a great Number of persons, with Clubbs and other Weapons, who, in a most Violent manner, rescued, and Carryed away: the Prisoner, tho they had been beat off for near a Mile distance, after the beginning of the Assault.

The Sheriff and his Assistants then returned to the Goal, to Secure the *other two* persons there, and had, then, for that purpose two Captains, three Lieutenants, five Justices of the Peace, two Constables, and about twenty Six Soldiers, well Armed; but by two of the Clock in the afternoon, the people gathered together in Town, to the Number of about two hundred, every one having a Clubb, where upon two Justices at the Sheriff's request, went to them, and asked the meaning of their meeting, together in Such a Manner, they Answered they wanted the other two prisoners.

The Justices Used persuasions with them to disperse, but to no Effect, wherefore, the said Justices Comanded Silence, and one of them read the Kings Proclamation Appointed by the first of King George *against Riots*, & Acquainted the people with the bad Consequences of Such proceedings, but they paid no regard either to the Proclamation or to what was Said to them.

Two of the New Captains of the Newark Companies by the Sheriffs Order went with their Drumms, to the people So mett, and required all persons there, belonging to their Companies, to follow the Drums, and to Deffend the Prison, but none followed, tho' many there, upon which one *Amos Robards* of Newark, mounted his horse, and in words to this or the Like Effect, holloed out, *Those who are upon my List, follow me;* which all, or the greatest part, did, their Number then was Esteemed to be about three hundred.

The Said *Robards* and Several others Came from the Multitude So mett, to the Sheriff on Guard at the Goal, and said they came to know upon what Terms he would Let the prisoners out? who answered on their giving Surety for their Appearance At the next Supream Court, and no otherwise and would send to Mr Justice Bonnell, Second Judge of the Supream Court, to Come and take the Security, if they desired it;

Whereupon, they returned to the Multitude, who, between four and five of the Clock in the afternoon, Lighted off their horses, and came up towards the Goal, huzzaing and Swinging their Clubbs.

The Officers ordered the Guard to face them, and when they came within ten yards, the Soldiers were Ordered to present and Cock, their firelocks, which were charged with powder & ball.

The Multitude drove on, till they came within reach of the Guard, & Struck them with their Clubbs, and the Guard (having no orders to fire) returned the blows

with their Guns, and Some were wounded on both sides, but none Killed.—The Multitude broke the ranks of the Soldiers, and pressed on to the prison door, where the Sheriff Stood with a drawn Sword, and kept them off, till they gave him Several blows, and forced him out from thence. They then, with Axes and other Instruments, broke Open the Prison door, and took out the two prisoners, As also one other Prisoner, that was Confined for Debt, and went away; The Rioters Said that, if they had Staid till the next day, they Should have had three or four times that Number, to their assistance.

The Sheriff, with the Justices of Peace present at the Said Last Riot, made a Record thereof, upon their own View, against the above mentioned *Amos Roberts & fifty one* others by Name, Inhabitants of Essex County, and Six others by name, Inhabitants of Morris County, and others to them unknown, to the Number of three hundred persons, at the Least.

The Governor having received proper information of the said Last Riot Communicated the Same to His Majestys Council, who were of Oppinion the Aid of the Legislature was necessary, to put an Effectual Stop to so Dangerous an Evil, and therefore Advised him to Lay the matter before them for that purpose.

1745. Feb 17th in the News Paper, Called The New York weekly Post Boy, a paper is printed *as from the Rioters* declaring the occasion (as is there said) of these Riots.

the Post-boy
of feb. 17th
1745. A Copy
thereof is
herewith

1745. March 4th His Excellency the Governor made a Speech to the assembly (the former having been by him Some time before dissolved) in which there is this Paragraph

“His Majesty’s Attorney General will Lay before
“you an Account of a Late Riot, or rather Insurec-

printed Min-
utes of Assem-
bly N 2 here-
with page 6.

“tion, at Newark; this was a natural Consequence of
 “one that was Some time before that; and, tho’ I did
 “what, by Advice of his Majesty’s Council, they
 “Judged, at that time, Sufficient to put a Check to an
 “Evil that had too great a probability of growing big-
 “ger, and to prevent its doing So, yet (as appears) it was
 “without the Effect intended—So Open and avowed
 “an Attempt, in defiance of the Government, and
 “Contempt of the Laws, if not high Treason,—makes
 “So nigh approaches to it, as Seems but too Likely to
 “end in Rebellion, and throwing off His Majesty’s
 “Authority, if timely Measures be not taken to Check
 “the intemperance, of a too Licentious Multitude, I,
 “therefore, recommend this matter to your Most
 “Serious Consideration.

1745. March 11th The Assembly made an Address to
 his Said Excellency in answer to his Said
 printed Min-
 utes N^o 2 Speech in which there is a Clause in the fol-
 page 18 lowing Words

“The papers giving an Account of the Riot at New-
 “ark, and the Letters from the Governors of New
 “York, Boston, and Louisbrough, are now under our
 “Consideration, and we have Ordered a Bill to be
 “brought into our house for the better Settling &
 “Regulating the Militia of this Colony of New Jersey,
 “for the repelling Invasions & Suppressing Insurec-
 “tions & Rebellions, which, we hope, will be formed
 “in Such a manner as may Effectually discourage
 “things of that Nature, and we Shall Chearfully joyn
 “the other branches of the Legislature, in any Such
 “further measures as we can Conceive necessary for
 “the more effectual Suppressing and discouraging all
 “Such Dangerous proceedings, or in any thing that
 “may be proper and necessary for Us to do for the
 “Security of this Colony, or the Assistance of our
 “Neighbours if there should be occasion.

1746. April 9th there was delivered to his Excellency

a printed
Copy thereof
is herewith

the Governor, and to each of the members of his Majesty's Council & of the Assembly a Copy of a Publication, by the Council of Proprietors of East New Jersey, dated the 25th day of March Last, in answer to the before mentioned paper printed in the Weekly Post Boy of February 17th.

1746. April 9th The Council received information that tho' for Six years past, no Indian men had lived near Cranberry, but Andrew & Peter, and that only two more had Lived for many years before that, who both, for misdemeanors by them Committed, removed thence to Crosswicks, yet, within a few weeks before that information, there were come *forty fighting men of Indians* to Live there; that, about three weeks before that information, one Indian came there who had a blue Laced Coat on; which, it was Said, he had got, as a present from the Governor of Canada, and he Lodged in the Informant's house one Night; and Some of the other Indians told the Informant that he was a King of some Indians on Delaware, and that he was come to View that place, and was to come and Settle there with his Indians, and that they expected they would be about Three hundred Indians there, in all, that the Neighbours there about were extremely Alarmed, at this Number of Indians Coming to Settle there, where its Esteemed impossible for such a Number to Live, without Stealing or killing their Neighbours Creatures.

That the Cause pretended, for Such a Number of Indians coming to Live there, is, that they are to be taught the Christian Religion, by one *M^r Brantard*, and for that purpose they are to build a Town, a Church, and a School house, upon the Land there of one John Falconar, of London, Merchant, of which Information upon Oath a Copy was given to one of the Members of the Assembly, to Shew it to the rest

Whatever truth there may be in the pretence for

those Indians gathering together, in that place, near the very Center of this Province. We know not, as we are well assured that the said M^r Braniard has never made any application to this Government, for Leave to gather those Indians there, or to give any Notice to it of Such design but that information being Compared with what is Alledged in the publication aforesaid of the Council of Proprietors page 6th Colum 1 Line 30th to 46th, and 8th Col: 2^d Line 15th to 47th, with this, that the Indian, whom the Committee of the Rioters procured to Sign those writings there mentioned, We have good information was the same Andrew, the Indian Living near Cranberry, who, till within those few weeks, had no Indian man Living near him, other then the said Indian Peter, and these things being Compared with the threats of the Rioters given out at their Riot in September 1745 Demonstrate, that the Threat of their having the Assistance of a hundred Indians, to Support their pretentions, which was Esteemed ridiculous and impossible, for the reasons before, is by those means like to become possible, and as the Same Andrew, whom the Committee of the Rioters were tampering with in February was twelve Months, is the head of them, and pretends to give those Indians the Land they are to Live upon. its Submitted how probable it Seems that this gathering of those Indians there may be in Consequence of what has been Concerted between the said Andrew and Said Committee, which matters, so Concerted, must probably have been the foundation of the threat aforesaid

April 15th 1746. An Act for better Setling and Regulating the Militia of the Colony of New Jersey for the Repelling Invasions and Suppressing Insurections and Rebellions was finally past by the Council and Assembly—of which a Copy is herewith—and tho a good Act, yet the Council conceived, it fell far Short of being an Adequate remedy for the preventing for the

future the Like Riots as those two that had then Late-ly been committed at Newark and therefore brought in a Bill to the Council, to Supply those deffects, which Bill was nearly in the words of the Statute of Great Britain of the first of King George *against Riots*, Expressing the Difference of the Occasion thereof, and, instead of being perpetual, as in Great Britain, proposed it to be only in force for five years—which

Bill was past by the Council, and on the
printed Min^{ts}
of Assembly.
N^o 2 page 31 24th of April 1746 Sent down to the Assem-
bly for their Concurrence

1746. April 17th was brought into and Read in the
Minutes of
Assembly No.
2. page 22 & 27 Assembly a Petition dated March 12th 1745-6
Said to be by the Petitioners Subscribing,
inhabiting chiefly the Northern parts of this
Province of New Jersey with great Numbers of Names
Sowed & pasted to it, which had been subscribed to
Some other writings, as Evidently appears by some of
the Latter words thereof Still remaining; but what
these other writing were, to which the Names were
Signed, appears not, and Multitudes of those Names
are of one person's hand writing.

At Same time, was brought into the Assembly, and
read, another petition, Signed by eight persons, Stiling
themselves to have been chosen, by a great Number of
the Inhabitants of the Northern part of this Province,
a *Committee*, to represent and Act for them, in Such
Negotiations as might be thought proper &c:

That John Lowe Esq^r, one of the Members of the
Assembly, was one of the Committee of the Rioters,
and acted as such, both before, and after, the said
time: by Sundry papers herewith will Appear

1746 April 26 The said two Petitions were read a
Second time, upon which occasion M^r Samu-
Printed Min
N^o 2. page 31
32, 33, 34, 35,
M^r Nevill's
Speeches uel Nevill one of the Members of the Assem-
bly, and one of the General Proprietors both
of the Eastern and Western Divisions of

printed in the New Jersey, Spoke to them, and answered them paragraph by paragraph, a printed Copy of whose Speech is herewith, Including the said two Petitions Verbatim, in the body thereof

Upon which petitions, and M^r Nevill's Speeches in Answer to them, We beg Leave to Remark that the first of these Petitions has these words

“For which reason We humbly and Earnestly beg (having our Eyes to the Legislative Powers, “from and by whom, our Rights Propertys “and Priviledges have their rise & Support &c:

Upon which M^r Nevill, in answer, observed thereon the Danger of Such an Attribute, to any Under his Majesty, and the Necessity of a Censure thereof by the Assembly; &, near the end of his Speech on the Second Petition, insists on that, as a reason for the rejecting both petitions.

The first Petition has, also these Words.

“And, in the meantime, that all our past misconduct (if Such) and intemperate Zeal, we have any of “us been Guilty of, may pass away. Under an Act of “Indemnity &c: In Answer to which M^r Nevil declared there, he Should be farr from opposing a pardon to the Petitioners. but Should rather promote it; and at the End of his Answer to the Second Petition Concludes thus:

“I further move that this Honourable House would “be pleased to Apply to His Excellency the Governor, “either by a Short address, or Message, as they Shall “think proper, to Extend his Majesty's Mercy to those “people, by a General pardon, Under Such Restrictions. and upon Such Conditions, as to his Excellency “Shall Seem proper.”

We also beg Leave herein to say that, to our Knowledge, in Expectation that the assembly would have

made Such Address, or Sent Such a Message An Act of Indemnity was prepared, and the form thereof approved of by the Late Governor, by which, all Concerned in the said Riots, without any one Exception, was to be pardoned, upon their taking the Oaths to His Majesty appointed by the Laws of New Jersey, and giving their own Single Bonds, without any Security with them, to be of the good behaviour, which, with the said Bill for preventing Riots for the future, Sent down to the Assembly on the 24th of April, it was hoped would, intirely, restore the Peace of the Province, and Sufficiently prevent the Committing the Like Riots for the future.

Minutes of
Assembly N^o.
2 page 34.

But these Expectations were blasted, for that 1746 April 28th it was put to the Question in the Assembly, without any reply to Mr Nevills Said answers, whether the said Petitions, *together with the proposeals of the said Committee*, be sent to his Excellency the Governor in Council, according to the prayers of the Petitions, or not, & it passed in the Affirmative (of which proposeals no mention is made in the minutes of the Assembly, before that day, nor does it appear that, on that Day they were read, nor who brought them into, or Offered them, to the House, or when) which papers were accordingly delivered to his Excellency, with a message, to the above purpose, without any the Least hint or request of an Act of Grace, or Pardon for the Petitioners.

Printed Min-
utes of Assem-
bly N^o. 2, page
38.

And for that on the 1st of May 1746, upon the Second Reading of the said Bill in the Assembly, for preventing Tumults and riotous assemblys, it was Ordered to Lye on the Table, to be reconsidered at the *next Session* and *Ordered to be printed* in their Minutes.

By which, all hopes of restoring the Peace of the Province, and preserving it for the future, during that Session of Assembly, vanished.

1746. May 2^d The Council received information that the infection of the Newark Riots was Spreading into the Province of New York, for that one man there, by Encouragement from the Rioters, had, in the month past, purchased about one thousand Acres of Land from the Indians, part of a Tract of Land Granted under the Seal of that Province above forty years agoe, & with Sixteen Indians had Entered on it, and girdled about three hundred trees of fine timber; that that man and others are Endeavouring to draw other people in that Province over into the Same Course, Assuring them that the Indian Right would be found the only Right, and that the people of Newark had agreed to Stand by one another, to Support that Right, and had a paper of peoples Names, who had so agreed, and that they need only Send down their Names, to be put to that paper, and they would Stand by all Such persons.

1746. May 3^d The Council Received information that the Infection of the Newark Riots was Likewise Spreading into *West New Jersey*; for that the people, Seated on that hundred thousand Acre Tract in the County of Hunterdon, belonging to those Proprietors in and about London, Called the West New Jersey Society, within a fortnight then Last past, had two great meetings, in order to Agree to Stand by one another in defence of their possessions against the said Society, tho they were Seated on those Lands by Lease for years from, and under, the said Society, that they had agreed to a paper for that purpose, and about Seventy had Signed it at their meeting on the 26th day of April, that one Article of the Paper was, that if any person, Seated on the said Tract, Should refuse to Sign that paper, that he Should be, by the rest, dispossessed, and his Improvement Sold by them, to the highest bidder,

Mich. Thomas's information Signed by him.

Affidavits of Ralph Smith & W^m Brown

that about ten or a Dozen of them were observed to be riding continually backwards and forwards, to and from Newark, Elizabeth Town and Cohansey, where the Said Society have other Lands, & its believed in Order to unite all in one Combination

May 1746 M^r Chief Justice acquainted the Council that His Excellency the Governor had Ordered him to Lay before the Council the said two petitions, proposeals and Message, for the Advice of the Council, what he Should do concerning them, and accordingly Laid the Same papers before the Council for that purpose, 1746, May 21st His Excellency the Governor died, before any Oppinion of the Council was given on the said Petitions, and proposeals, and as the Proprietors of East New-Jersey were the only persons who could properly answer the said Proposeals, The Chief Justice communicated a Copy thereof to them, whose Attorney has Lately Communicated to us what they have done, in pursuance of the said proposeals, with Copys in Writing as follows Vizt

Coppies of these Coppies are herewith N^o 1. a Copy of the Proposeals of the Rioters Committee, Sent by the Assembly to the Late Governor, by which they Offer to accept of the proposals mentioned in the penult paragraph of M^r Ogden's Letter printed in the Publication of the Council of Proprietors page 9; and by which proposals they deny Notice of the matter of that Paragraph.

N^o 2. is an Affidavit of a man of unquestionable Veracity that he delivered the Notice of the Matter of that paragraph, to two of the Rioters Committee.

N^o 3. is a Copy of a Letter, wrote by order of the Council of Proprietors of June 30th 1746—Offering to Comply with the said Proposals of the Rioters Committee.

N^o 4 is Copy of an Affidavit of Service of the said Last Letter, with a Declaration in Ejectment, pursu-

ant to the said proposals The Attorney of the Council of Proprietors declares that their Council prepared their part of a Special Verdict, according to the said Letter of June 30th That their Attorney attended the first day of August Term to enter into the General Rule, with Securities ready to be given on their part, but no person came on the part of the Rioters, wherefore, on that Day, immediately before rising of the Court, the Action was Entered in the Minutes of the Court, and the Defend^t was Solemnly Called, but no body appeared for the defend^t of which an Entry was made in the Minutes of the Court.

N^o 5. was delivered the next day by Nathaniel Camp one of the Rioters Committee, to Elisha Parker attorney for the Proprietors, requesting them to quiet one of their Council, &c.

N^o 6. is an answer to the Last paper, giving reasons why the Proprietors could not part with one of their three Council, & proposing the means of Saving the Loss of time, likely to ensue by the Rioters their not Joyning Issue in the Action brought at their request; at end of this is Copy of a Certificate of the Delivery thereof to Nath^l Camp.

N^o 7. is an Affidavit, by the Attorney of the Proprietors, that no Application was made to him, or any of the Council at Law of the Proprietors, before November Term last, in pursuance of N^o 6; and that during November term Last, no motion was made in Court for having Council appointed by the Rioters Committee nor any for them nor any Application by them to him or any of the Proprietors Council ever Since November Term.

From all which, its inferred that the Said Proposeals N^o 1 were intended by the Rioters to Amuse the Assembly and Late Governor and to Excuse themselves for the refuseals of Complying with the fair offers appearing by the Proprietors Publication of March 25th to have been before made to them.

The Late Governor Lewis Morris Esq^r having as before mentioned Departed this Life, on the 21st of May 1746, The Government of the Province thereby devolved on *John Hamilton* Esqr the Eldest Counsellor, and first named in his Majestys Instructions to the Late Governor, who was sworn into the Administration accordingly. His Honour the President Appointed a meeting of the Assembly on the 11th of June, who accordingly met & proceeded upon business, & on the 28th of June, by Advice of His Majesty's Council, he made a Speech to them wherein among other things are the following words

Printed Min^{ts} " There have been two most notorious

N^o. 4. 32. " Riots at Newark, in the County of Essex,
 " where his Majestys Authority and Laws have been
 " treated with the greatest disrespect and Contempt,
 " His Goal there was twice broke open, and the pris-
 " oners, therein Lawfully detained, were taken out,
 " and Carried away in Triumph, His Majesty's known
 " Officers beat and abused, in the Lawful Exercise of
 " their Offices, and this was done, at one time, by
 " about one hundred and Fifty, at the other, by
 " upwards of three hundred men, and at both times,
 " they gave out that they could have twice the Num-
 " bers, if they were necessary, and all this was done
 " for no other reason but because a man was Sued
 " in a Common Action of Trespass, for cutting Tim-
 " ber, on Some Lands that he had a Claim to, and it
 " was then, and I am told is now, given out, that
 " these people will not Suffer any Legal Process to be
 " Executed, on any man that Lives on Lands held by
 " an Indian Right, and boast that their Numbers are
 " So great that they are not affraid of being punished
 " for these Crimes; all the methods that it was pru-
 " dent for the Government to Use, have been taken,
 " to put a Stop to this growing Evil, and it Appears
 " that they have all proved ineffectual, and it has not

“been in the power of the Government, hitherto, to
 “bring any of the Delinquents to Justice; Upon this,
 “I think it my Duty to observe to you that So open &
 “avowed an attempt, to throw off their dependance
 “on the Crown of Great Britain, and flying in the
 “face of the Government, and obstructing the Course
 “of Legal proceedings, and owning and avowing this,
 “and boasting of their Numbers and Strength, to pro-
 “tect themselves against the Laws, is of Such Dan-
 “gerous Consequence to His Majesty’s Authority, in
 “his Plantations, that, unless we fall upon measures
 “Effectually to punish it for the time passed, and by
 “Severe Laws to prevent things of that nature for the
 “time to come, We shall have reason to fear the
 “Resentment of His Majesty and a Brittish Parlia-
 “ment, which may be too heavy for Us to bear.

“I, therefore, in his Majesty’s Name, Recomend to
 “you to proceed with the utmost Dispatch, in Such
 “Vigorous measures, as may be most conducive to
 “restore the Peace and Tranquility of the Province,
 “that the Laws may have, again, their due Course,
 “and his Majesty’s Subjects may be again at Liberty
 “to take the Benefit of those Laws.

Deposition
 of Edward
 Jeffers.

On the 5th of August 1746 Sundry persons
 in the County of Bergen, being (as is
 Suposed) Encouraged by the aforesaid Riots
 passing with Impunity, went, Armed with Clubs, to
 the House of one Edward Jefferies, in Said County,
 and there threatned to Club him out of possession,
 Unless he came to Some Agreement with M^{rs} Valleau,
 a person then present, who pretended a Title to the
 Lands on which the said Jeffers was Setled; and the
 said Jeffers being apprehensive they would Execute
 their Threats against him, and turn him and his
 Family out of Doors, Consented to take a Lease from
 the said M^{rs} Valleau for Two hundred Acres of the said
 Land, tho he was in possession of the said Land, and

had made Improvements upon it, by Leave from the Proprietors of the Eastern Division of New Jersey, to whom the Land belonged.

Deposition of Elisha Parker. In the month of September 1746 a Number of persons, part of those who are Commonly Called the Newark Rioters, in a forcible manner, turned out of possession Several people that were Settled on a Tract of Land in the Said County belonging to John Burnet, and regularly vested in him by Title under the Crown of Great Britain, and put other people in possession of the places they were Settled upon, for which forcible dispossessing, Several of the people therein Concerned were Indicted by the Grand Jury, at the next Court of Quarter Sessions, held at Newark, in and for Said County.

Printed Minutes N^o 4. 25, 27. On the 9th day of October His Honnour the President Called the Assembly together at Amboy, and the next day Sent a message to them wherein among other things he refferrs them to his Speech made to them on the said 28th day of June, which Speech was, on the Same day, read in the assembly, and referred to a Committee of the whole house.

Printed Minutes N^o 4, 38. On the first of November 1746, The House of Assembly, without doing any thing in relation to the Riots, Sent a message to his Honnour the President, Acquainting him that their house had gone thro' all they could conveniently do, at that time, and therefore desired His Honnour would be pleased to dismiss them, which was accordingly done.

Depositions of Sheriff & under Sheriff &c Some time in June Last one *Abraham Anderson* was arrested by the High Sheriff of Somerset County, by Virtue of a Writ Issued out of the Supream Court of this Province, at the Suit of the Executors of Daniel Coxe Esq^r & for want of Bail, was Lockt up in the Prison of the said County, and there remained untill the Second day of

Decemb^r following, on which Said Second day of December a Body of men, to about the Number of one hundred (who chiefly belonged to Newark in the County of Essex, and Maidenhead in the County of Hunterdon, which two places are about Fifty miles a part, and both many miles distant from the said Prison) did come to, & in a Violent manner break open, the doors of the said Prison (having first, in a haughty and imperious manner, demanded the prisoner) and then & there Set at Liberty the Said Abraham Anderson, therein Confined—

The greatest part of those Rioters came from Newark, who on their return from Somerset formed a Design of coming to Amboy, to pull down the house of Samuel Nevill Esq^r one of the Judges of the Court of Common pleas for the County of Middlesex, if the said Samuel Nevill Should refuse to deliver up, to Thomas Clawson, Certain Bonds, wherein the said Clawson Hood bound to the said Nevill, for the payment of a Considerable Sum of Money due to the said Nevil, as the Consideration for a Tract of Land by him Conveyed to the said Clawson, which dessign Some of them were for putting in Execution imediately, but others thought proper to deffer it, till the said Bonds were first demanded of M^r Nevill, and it was thereon agreed that the Demand Should first be made, and if M^r Nevill refused to deliver up the bonds, that their design should, then, be put in Execution And accordingly on Friday following, being the fifth day of December. the said Clawson (and one other person with him) did come to the said M^r Nevill and demand of him the bonds aforesaid, Saying he would have them if he dyed for it

Minutes of
Council

On the 8th day of December The President Called together His Majesty's Council, and Laid before them the information he had received, concerning the breaking of Somerset Goal, and the

Dessign against M^r Nevill,—who thereupon advised his Honnour to Issue his Warrant to the Sheriff of Middlesex, to aprehend the said Clawson, or any persons that Should assemble themselves to Execute their threats against M^r Nevill, and, if needfull, to raise the Posse of the County, and to arm & array them in a warlike manner, which Warrant was accordingly Issued, and a Copy of it, and of the Instructions for Executing the Same, are herewith

Minutes of
Council

His Honnour the President was pleased, at the Same time, by advice of Council, to Issue a Proclamation, in his Majesty's Name, forbidding all persons to Joyn with the said Rioters, or to assist, Council or receive them, or any in Combination with them, and Commanding the Sheriffs of the Several Countys within the Province that, in Case any Number of men Should unlawfully assemble them Selves, in any of the Countys, to the Disturbance of the Kings Peace, that they Should raise the Posse of their respective Counties, to Suppress Such Unlawfull assembly.—

Ja: Alexander

Rob^t: W. Morris

Letter from James Alexander and Robert Hunter Morris, two of the New Jersey Council, to the Lords of Trade—giving an account of the Condition of the Province.

[From P. R. O. B. T. New Jersey, Vol. V, F 81.]

Dec^r 24 1746

My Lords,

Upon the Death of Lewis Morris Esq^r Late Governor of New Jersey, The Administration of that Government Devolved on John Hamilton Esq^r the Eldest Councillor, who being in a very ill State of Health has requested us who are of his Majesty's Council to Lay the State and Condition of that Province before your Lordships.

We therefore beg Leave to Acquaint your Lordships That in Obedience to His Majesty's Commands Signified by his Grace the Duke of Newcastle to Raise a Body of Troops in the Northern Colonys, to Act in Conjunction with a Number of his Majesty's regular forces against Canada, The President The Council and Assembly of New Jersey in June last Chearfully made provision for Raising 500 men, for Victualling them, and for Transporting them to Albany the place of Rendezvous—and Lent the Government £10,000 to Enable the President to furnish them with Arms Cloathing and other Necessarys.—

The President upon this gave Warrants to Several Gentlemen to raise Companys and their diligence and Success was Such that in Less then three Months. the whole five Companys, were Complete, and on the 9th of September Last arrived Safe at Albany with Provisions and all other necessarys, and Still continue there and have Since been Supply'd with Provisions Sufficient to Last them till the next Spring.

[The internal Peace of the Province has been greatly disturbed of Late by a number of people who have Seated themselves by Sufferance on Lands for which they have no title under the Crown of Britain and have Set up a title to the Lands they possess under Deeds procured from Indians without any Lycence for that purpose from the Government.

These Indian purchases have been made in direct Contradiction to the Royal Instructions agreed on at the Surrender of the Proprietary Governments of that Province to the Crown. and in open Contempt of two Several Acts of the Legislation one passed in E Jersey in 1683. Declaring Such Treatys with the Indians to be Criminall & Seditious, and the other pass'd in 1703 Declaring them void and Laying a Severe penalty upon all Concerned in making them.

This Pretended title these people have taken upon them to Support by force and for that purpose great numbers of them have associated themselves together and engaged to defend each others possessions & to hinder any Legal process from being Executed on them in Consequence of which Association they have Committed Several great Riots, have broke open the Goals of the Countys of Essex and Somerset Disposed Several people of their Lands and Committed many other disorders to the great disturbance of the Peace of the Province and in High Contempt of the Kings Authority and Laws.

Two of these Riots Happen'd during the Illness of the Late Governor who was So apprehensive of the Consequences of them that he took all the prudent Steps in his power to put a Stop to so great an Evil And Recomend'd it very strongly to two different Assemblys. but the Government was too weak to bring the Delinquents to Justice, and the Assembly declined doing anything Effectually to put a Stop to So dangerous an Evil what motives influenced them

not to Joyn in the Measures proposed to prevent the Like Riots for the future we dare not take upon Us to Determine.]

Your Lordships will receive with this a State of the Facts relating to the Several Riots and other disturbances of the Peace of the Province which will Let your Lordships more fully into a knowledge of this matter than we can pretend to do by a Letter. We have annexed to it Some of the Vouchers of the facts therein Set forth, but the Minutes of the Council & Assembly which are the Chief Vouchers We have been only able to procure one Copy of them in the Short time since the Presidents said request to us, which we now Transmit to His Grace The Duke of Newcastle with a Copy of the said State, our utmost Endeavours shall be used to provide other Copys for your Lordships to go by the next Ship which is expected to sail in a few weeks.

[We would only Observe to your Lordship that as the Infection is daily Spreading it will probably soon over spread the whole Province of New Jersey, and get into the two Neighbouring Provinces of New York and Pensilvania and may in its Consequence greatly affect the Dependance of the plantations on the Crown of Britain if timely Measures are not taken Effectually to stop it.]

The Officers of the Government of New Jersey have been without any Support or Salarys to Enable them to Execute their Offices ever Since September 1744 and so they continue to be which we conceive to be Chiefly occasioned by the Council and Late Governor's refusals to pass an Act for making Current £40,000 pounds in bills of Credit, which Act was several times past by the Assembly and as often refused by the Council or Governor because they conceived it would be greatly to the Destruction of the Properties of the People of New Jersey and of all his Majesty's Subjects

to whom they are or may be Indebted and because all that time the frauds and abuses of paper Money in the Plantations were under the Consideration of the British Parliament

We are Your Lordships Most Obedient
and most humble Servants

JA: ALEXANDER

ROBT^r H. MORRIS.

Right Hon^{ble} Lords Commissioners for Trade & Plantations

[Similar letter, dated Dec. 23d, to the Duke of Newcastle, is in N. Y. Col. Doc., Vol. VI. p. 326.]

Letter from Ferdinand John Paris to James Alexander.

[From Papers of F. J. Paris in the N. J. Historical Society Library.]

Surry Street, 14, Feb 17, 1746[-7]

Sir

(Extract)

On Tuesday last yo^r *New Gov^r* (for the first Time, for ab^t 5 months, during all which [time] the Matter had layd quiet) went to the Secretarys Office, & complained, of the Delay, given to his Instructions, for that he wanted to go over to his Governm^t. as the now next Month. They told him, very readily, why they were stopt, viz^t for Non payment of the Fees, & that they wondered that, neither himself or his Agent, had, in so great a Length of Time ever been after them. He pretended to be greatly surprised, at the Cause of the Delay, and immediately deposited 200^l. & told them, they had but to tell him, as any Money was wanted, & it should be immediately supplied. This unexpected Supply sett the Wheels into Motion, & there being a Council yesterday, his Instr^{ns} were then approved, & signed. Those particular Instructions

which You so much insist upon, for the Benefit of the Proprietors, stood in the late Gov^r Morris's Instructions — the 89, 90, & 91st Instr^{'ns}: They stand now Verbatim, the 84 85 & 86th in the present Gov^r Belcher's Instr^{'ns} * * * * So that, that part of Yo^r Affair is quite over & I shall trouble You no further, in Respect of the same, only to mention that Gov^rs Brother in Law had been down, preaching, in York-shire, for nearly 5 Months past, where, I doubt not, he had represented the great Services done by the Gov^r heretofore, to the Quakers in Boston, of the further Services, that he was to do, to the Quakers in New Jersey, & had, by that Means, as it is reasonably believed, raised this Supply; For the said Agent came back, from that Expedition, but last Saturday Night, & on Tuesday Morning, the Gov^r took this most unexpected Air, of being so very ready to pay the ffees for his Commiⁿ & Instr^{'ns}, which but a Week ago every Officer would have been extremely glad to have taken half ffees for. * * * * *

Mr. Catherwood yesterday, bro^t me Yo^r Favour of the 29th Dec^r, & a Packet from Yo^r Good Self, contain^g Copys of the Councill's letters to the Duke of Newcastle & Lords of Trade, & state of Facts & other Papers abo^t the Riots in New Jersey.

If I apprehend the orders from Yo^r Self & M^r Morris right, All that I am to do is, to put the Ministers in Mind of that Affair, which, from Time to Time, I will do; but I have already told You that I do not expect there will be leisure to consider Things, which arise at so great a Distance from Us; And, if you can help or succour, yo^r Selves, may be, imediately, without waiting for Relief from hence, which will come very late, if at all. You have not, precisely pointed out what Relief You hope for, from hence, Other than mentioning, loosely the sending over Forces thither; As to which, Our Great Men may possibly think, they can

the Several Companys under his Command by Returns made by the Cap^{ts} of s^d Companys, which he had Transmitted to his Honour, And appears to be as follows Viz:

In Cap^t John Dagworthy's Company, Eighty five private Men on Duty five Dead, Ten Deserted, which with the three Commissioned Officers make in all One hundred and three.

In Cap^t James Parker's Company, Seventy two Private Men on Duty one absent on Furloe, two in the Fort at Albany, one discharged, Six dead Sixteen Deserted which with the three Commissioned Officers makes in all One hundred and one—

In Cap^t Nathaniel Ware's Company, Eighty two Private Men on Duty, two absent on Furloe, one Discharged, three Dead, fourteen Deserted, which with three Commission'd Officers makes in all one hundred & five.—

In Cap^t Campble Stevens's Company forty seven Private Men on Duty, four Absent on Furloe, five in the Fort at Albany, twelve sick, twenty five Deserted which with the three Commissioned Officers makes in all Ninety-Six Men.

In Cap^t Henry Leonard's Company, Eighty-five Private men on Duty—five Dead, Ten Deserted which with the three Commission'd Officers makes in all One hundred & three.

he refers to. In a letter to James Alexander, under date of January 31st, 1731, he said: "I could wish I had sooner known of the Legislature's Intention, and had had the benefit of an Acquaintance or Correspondence with a larger Number of the Council and Assembly than I have, for then I should have asked their favour in appointing myself to that office. As it is, I am promist the kind recommendation of Some of my Friends in London, and was offered a recommendation, also (If I could have accepted of it) to the new Gov^r (Montgomerie) But as I have often seen the Effects of our Colony's abroad appointing Agents recommended (or rather named) by their Gov^r which are that such Agents are pay'd by the Country; but act only for the Gov^r. I could not make a Step so contrary to my Judgment as to apply to his Ex^{cy} For I think a free People ought to be represented by a free Agent." He was already Agent for Pennsylvania, which may have operated against him. He continued to represent the Eastern Proprietors till 1759. His papers were preserved by him in a systematic manner in books and packages, and are now in the New Jersey Historical Society Library.—Ed.

*Letter from David Ogden to President Hamilton—
transmitting affidavits, respecting the Riots.*

[From P. R. O. B. T. New Jersey, Vol. V.]

Newark April 22^d 1747

Sir

At the Request of Cheif Justice Morris I Drew the 2. Inclosed Affidavits which pursuant to his Desire to Me I send you, the Last was drawn by the Directions of the 2 Deponents therein mentioned, to whom I read the same twice, who approved thereof, and then Signed the Same. I sent it by them to Justice Bonnel, to make Oath to the Same which they have done, this day I received the same from M^r Bonnel, with the Enclosed Letter from said 2 Deponents Desiring me to alter the Addition to M^r Cross's Name therein Mentioned, which I Dont think Proper to take on me to doo, after the Affidavits are Made And Signed, since Said Addition is no ways material. I am Sorry Justice Bonnel did not alter the Same before they Made Oath.

It was Currently reported among us the Beginning of Last week, that the Mob were Determined on Friday last to turn Justice Daniel Cooper out of the Possession of his House and Plantation, whereupon Several of the Officers of Morris County both Civil and Military, with others, to the number of about 100 went to the House of Justice Cooper well armed with Guns &c. in Order to meet the Rioters. And oppose them by force from turning s^d Cooper out of his Possession. the Mob or Rioters hearing of the force Raised against them did Not appear at that Day, but some say it won't be Long before they will turn Justice Cooper and Many more, out of their Possessions, which I believe will be the Case Unless Some Speedy Care be taken to prevent them.

The Rioters have of Late given their Judgment in favour of the York title, Against all others, being the Grant of M^r Sonmans to Fanconiee & others which may affect the Possession of a Great number of Inhabitants of Morris County if the Rioters Proceed as they threaten, to turn those settled on the Lands contained within said Grant out of their Possessions. Unless they agree with the Grantee's of Sonmans or their Assigns, this Proceeding of the Rioters seems at Present much to animate the People of Morris County ag^t the Rioters, and I Believe they would in General Assist the Authority in Suppressing them.

I have thought of the following Step to be taken at this Juncture viz^t. That a special Warrant Issue from the Government, for the Aprehending those Persons now in the Possession of Joseph Dalrimples Plantation with an [Act?] of Committment to Morris County Goal, and also an Order to the Sheriff of said County, to Keep a Strong Guard at the Goal, which I hope will have good Effect, not only to stop further Riots, in that County, but also to Convince the Rioters in the Several parts of this Province, that there are Men in the County of Morris that Dare Oppose them, which is Submitted to the Consideration of you and others concerned in Suppressing those Rioters, by

Your Most Humble Serv^t

DAVID OGDEN.¹

Province of New Jersey ss. *Joseph Dalrimple* of Morris County in the Province of New Jersey being Duely Sworn before me *Joseph Bonnel Esq^r* Second

¹
David Ogden

was a grandson of John Ogden, one of the original associates of Elizabethtown, and the ancestor of several prominent men of New Jersey

in subsequent years. At the time under review he was a resident of Newark, and a distinguished practitioner of the Law. Under his guidance and instruction several eminent lawyers, connected with matters of importance to the Province, attained to eminence in their profession.—Hatfield's Elizabeth. Lamb's New York.

Justice of the Supream Court of the Said Province of New Jersey Saith that he for upwards of two years Last past has been and Still is in the Possession of a tract of Land Lying in Morris County being Part of a Patent to William Dockwra for two thousand Acres Lying in Pissiacck River and that Said Deponent did Settle on and Possess said Tract of Land for said Dockwra's heirs under the Protection of the Council of Proprietors of East New Jersey, and has Given his Bond that he would at any time when Demanded yield and Deliver up Said Possession to the heirs of said Dockwra their Agents or Assigns, and this Deponent further says that on the Thirtyeth Day of March Last between the hours of ten and Eleven at Night Some Persons unknown to this Deponent came and knocked at the Door of his house when Said Deponent asked who was there, Some one without made answer, that his Name was Abraham Hendricks, and wanted to Light his pipe, but this Deponent having heard, that Some of the Persons Concern'd in the Late Riots within this Province, in favour of Indian Purchases, and against the Proprietors Titles in this Province, had threatened to come that Day & turn said Deponent out of his Possession of said Lands, was fearfull Least the Rioters were then at Said Deponents Door, refused to Open his Door, that Imediately on Said Deponents Refusing to open his Door he heard the Voices of several persons, Demanding of him to open the Same, threatning him if he Did it not, that they would pull the Roof from off his house, that Said Deponent then told said persons that he would have them be Carefull in what they did Least they Should indanger the Life of his Wife, who was with Child, and near Lying in, Some one or more of said persons, then told said Deponent that he might be thankfull because of the Condition of his Wife which was his present protection, or words to that effect,

that then Some of S^d persons tried with Some Instruments to push back the Bolt of the said Door, But finding that Ineffectual they prised said Door from off its Hinges, and ten or more of said persons came into said house, and ordered said Deponent and his Wife to go out of said House, with their Child, being about one year Old; that said Depon^t and his Wife Refused to go out, when some of said Rioters said they would turn them out by force, and one of them took hold of the Wife of said Deponent and Desired her to Walk out with him, when one Thomas Miller, who was with said Deponent in his house and not of the Rioters, begged they would Consider the Condition of s^d Deponents Wife, and not turn her out of Doors at that time of the night, and this Deponent further saith, that after a few minutes consideration said Rioters told him and his Wife that they might Live in said house fourteen days More and No Longer and Ordered said Depon^t in that time to get another Dwelling house for him and his family and Leave said house, which If he did not do, they would at the end of said fourteen days come again and turn him and family out of Doors; whereupon said Deponent replied that he would not go out, having Given Bond to Deliver up the Possession to the Proprietors; Said Rioters then Ordered Said Deponent not to Use or Improve any part of Said Tract of Land for the future And then Justified their course of proceedings in turning persons Settled on Proprietors titles out of their possessions, and wished they had began it Seven years past, Saying it would have been for the Benefitt of the Country, after some other Discourse passing, the said Rioters went out of the House of said Deponent to some others Standing without, when one of said Rioters Called M^r Cross, and said we Give you the Possession of this Upper Lott, and to one William or M^r Brested, take you possession of the other Lott, after

Saying which words, they mounted their horses Rode away Huzzaing; and this Deponent further Saith, that his Wife Ever Since the Terror and fright af^d has been very ailing, and Indisposed as Scarce Not to be Able to keep out of Bed, And this Deponent further saith, that by what he could Judge from seeing said Rioters, that their number was about thirty-five; of whom this Deponent only knew Nathaniel Davis, James Hampton, and William Brested; And further this Deponent Saith not,

JOSEPH DALRIMPLE

Sworn this fourth day of Aprile Anno Domi: 1747.
Before Me Joseph Bonnell

Province of New Jersey S^s *Thomas Miller* and *Thomas McConnell* of Baskingridge in the County of Somerset and province of New Jersey being duly Sworn before Me Joseph Bonnel Esq^r Second Justice of the Supream Court of said Province of New Jersey Say that they are Well acquainted with a Tract of Land where Joseph Dalrimple Lately Lived, Scituate Lying and being in the County of Morris, and being Reputed to be part of a Tract of Land patented to William Dockwra, Lying On Pissiacck River, and that to the Said Deponents knowledge the same Tract of Land has for upwards of five years Last past, before the Eighth Day of April Instant been untill that time possessed under the proprietors of the Eastern Division of New Jersey, and the Deponents further say, that on the thirtyeth Day of March Last past, Nath^l Davis, Ja^s Hampton, W^m Brested and others, to these Deponents unknown, about ten of the Clock in the Evening of that day, came to the then Dwellinghouse of said Joseph Dalrimple on said Tract of Land, with Clubbs and after Demanding of the said Joseph Dalrimple to

open the Door of said house, and Using several threats, some of said Company broke open said door, and some of them being about twelve, came into said house, and ordered said Joseph and his wife to go out of said house, which said Joseph then Refused, Saying he was in possession of the Said House and Land under the Proprietors of East New Jersey, and that he had given his Bond to deliver up the possession thereof to William Dockwra's heirs or Assigns; whereupon some of said Rioters told said Joseph if he and his wife would not go out they would turn them out by force, and attempted to turn them out of Doors, when Thomas Miller one of said Deponents, Desired of said Rioters, that they would consider the Condition of said Joseph's Wife, who then being pregnant and Near Lying in, And Not turn her out of Doors, At that [time?] of the night and these Depon^{ts}, further say that after A few Minutes Consideration some of said Rioters told said Joseph, that he Might tarry in said house fourteen Days Longer from that time And Warned him to go out by that time, or they would then Come and turn him and his family out of the possession of said house and Tract of Land,—And said Deponent Tho^s Miller further says, that some of said Rioters Justified their proceeding in turning persons out of their possession Settled under the propriet^{rs} and Wished they had began it several years past, Alledgeing that had they so done, the Country by that time would have been in good order and said Deponents do further say that being at the said Late Dwelling house of said Joseph Dalrimple, on the Eighth Day of April Instant, when they saw at said house said Nath^l Davis, Ja^s Hampton and W^m Breested and others to the number of about thirty persons with Clubs who then Broke open s^d house of s^d Joseph, and turned s^d Joseph his Wife and Child out of his house, and Likewise then Carried out of said house all the

Household Goods of s^d Joseph and then said Nath^l Davis who was then Called the Cap^t of s^d Rioters, delivered the Possession of said house and Tract of Land, to said Ja^s Hampton and s^d William Breestead, part thereof to s^d James Hampton as Tenant to John Cross, *Late A Prebiterian Minister of Baskingridge af^d* and the other part thereof to W^m Breestead in his own Right: And then Ordered s^d Joseph, not to molest or Disturb said James & William in their Possession; and s^d Depon^{ts} farther say, that they verily beleive, from the Discourse they heard from said Riots and since, that said John Cross prompted encouraged and requested s^d Rioters to Committ said Riots, having heard and believe that s^d Jn^o Cross treated s^d Rioters with three Gallons of Rum, When on their way to committ s^d Riots, and further say not

SWORN this fifteenth day
of April Anno Dom.
1747 Before Me Joseph
Bonnell

THO^s MILLER
THO^s M^o CONNELL

SIR. After a due Consideration of our Information to you, in refferance to the Mobe we allow all to be right, only them few words relateing M^r Cross (*Late prisbiterian Minister of Baskingridge*) which if it be not blotted out, altho it be truth, is a reproach to that Sec of people now amongst us, which we humbly request to be done, which will greatly Oblidge

April the 15th 1747. Sir. Your humble Serv^t

THO^s MILLER
THO^s M^o CONELL

*Representation of the Lords of Trade—respecting the
Partridge Petition for liberty to issue Bills of
Credit in New Jersey.*

[From P. R. O. B. T., New Jersey, Vol. XV, page 153.]

To the King's Most Excellent Majesty

May it Please your Majesty

IN Obedience to your Majesty's Order in Council, of the 7. of August 1746, We have had under Our Consideration the humble Petition of Richard Partridge, Agent for the Colony of New Jersey in America, setting forth, "That the said Colony is greatly distress'd "for want of a further Supply of Bills of Credit which "the late Governor Morris, by the Royal Instructions "was prohibited from emitting, without the Royal "Licence. That now, in time of War, the said Colony "is destitute of a sufficient Supply of Arms, Ammunition &c^a for their Defence against the common "Enemy, and cannot readily raise the money for purchasing the same, without a further Emission of "Paper Currency, as well as for the paym^t of divers "other publick Emergencies, for support of the said "Government: That it would be greatly for the Service of your Majesty, as also of the said Province, if "Leave was granted to the Governor, to give his Assent to the passing a Bill for the emitting the sum of "£40,000, in publick Bills of Credit, on Condition that "the Value of the Bills to be emitted, be agreeable to "an Act of Parliament, made in the sixth Year of the "Reign of Queen Anne, for ascertaining the Rates of "foreign Coins in America; The Petitioner therefore "prays, that your Majesty would be graciously pleased "to grant an Order of Leave to the said Governor, or "the Commander in Chief for the time being, to give

“his Assent to the passing an Act for emitting the “Sum of £40,000 in Paper Bills of Credit;” And having upon this Occasion been attended by the said Petitioner. We humbly take Leave to represent your Majesty,

That, in order to prevent inconveniencies that might arise, from passing Acts in your Majesty’s Colonies & Plantations in America, for striking Bills of Credit and issuing the same in lieu of Money. Instructions have been given by your Maj^{ty} from time to time, to the several Governors of the said Colonies and Plantations; directing them not to give their Assent to, or pass any Act in their respective Governm^{ts} whereby Bills of Credit might be struck or issued in lieu of money, without having a Clause inserted in such Act declaring that the same should not take Effect, until approved and confirm’d by your Majesty your Heirs or Successors.

That an Instruction to this Effect, was given by your Majesty to Lewis Morris Esq^r late Governor of the Colony of New Jersey, and has been further continued by your Majesty to Jonathan Belcher Esq^r the present Governor of the said Colony.

That the said Petition sets forth, that the said Colony is greatly distress’d for want of a further Supply “of Bills of Credit, which the late Governor Morris, “by the Royal Instructions was prohibited from suffering to be emitted, without the Royal Licence,” which is not agreeable to the true intent and Meaning of the said Instruction, for as much as your Majesty’s Governor is not thereby restrain’d from giving his Assent to the passing any Act, upon any Emergency, for emitting such a Sum of Money in Bills of Credit, as he shall judge the Circumstances of the Province may require, provided he take Care, that there be a suspending Clause inserted therein, to the End that your Majesty may judge of the Necessity of the Service, for

which the said Bills are emitted, and that there are proper Funds settled in the said Act for calling in and sinking the Bills to be thereby emitted.

And as it does not appear to Us that the said Petitioner had any particular Authority or Instructions from the Legislature of the Colony of New Jersey to make such Application to your Majesty, and as the altering the Tenor of the said Instruction may be attended with Inconveniencies, We see no Reason why your Majesty should comply with the prayer of the said Petition.

Which is most humbly submitted

MONSON
J. PITT
B. L. GOWER
FRAN FANE
R. PLUMER.

Whitehall
April 29. 1747

*Proceedings of the Council, May 6th and 9th, 1747,
and Message of President Hamilton to the House
of Assembly of New Jersey, with their answer.*

[From the Papers of James Alexander in Rutherford Collection, Vol. III., No. 4
and No. 20.]

At a Council held at Perth Amboy in the Province of New Jersey May 6th 1747

PRESENT

The Hon^{ble} John Hamilton Esq^r Presid^t

John Reading John Rodman } Esq^{rs}
Robert Hunter Morris }

His Honour the President Laid before the Board the Draught of a Message he Proposed to Send to the House of Assembly & Desired their Advice upon it, And the s^d Message being taken into Consideration

the same was Approv'd of & his Honour was Advis'd to Send it to the Assembly by the Clerk which he did & the s^d Message is in the following Words Viz^t

Gent. of the Assembly

His Majesty's Service & the Safety of the Province made it Absolutely necessary for me to Call you together at this Time & my own bad State of Health Oblidges me to Meet you at this Place.

The Provisions Supplied to the Forces Raised in this Province now Quarter'd at Albany have been for some Time Expended & the Cloaths that were furnish'd them with the money Lent the Government are for the most Part worn out as You will Observe from Col: Schuylers Letters to me which I have Ordered to be Laid before You. By an Express from Col: Schuyler which Arrived on Monday Last I have Received Information that the five Jersey Companys have Mutined & taken a Resolution to Go off with their Arms & Baggage, if they do not Receive his Majesty's Pay that was Promis'd them at their Inlistment, I have Ordered this Letter to be Laid before you & the two Officers that Col: Schuyler has Sent Express on this Occasion to Attend you And by them you will find it next to impossible to keep those men longer together without at least some Part of their Pay.

As these Troops were Raised in Pursuance of his Majesty's Orders & have been kept together to wait his further Directions I must Recommend it to you to make such Provision for the Paying, Subsisting & Cloathing them as may be necessary to keep them in a Readyness to march whenever his Majesty shall think it fit for the Interest of his Dominions to Give Orders for that Purpose.

The Distracted State of the Province, Occasioned by the many great Riotts, Oblidges me again to Call on you, to Take some Vigorous Measures, to Punish

those daring Disturbers of the Publick Peace; these People have Grown strong and numerous, by Passing so long with Impunity; for besides those two great Riotts at Newark, which happened in the Late Governor's Life time, & which were Recommended to you by him, there have been since, so many bold & Daring Attempts made, to Throw off his Majesty's Authority, & their Dependance on the British Throne, that They Call Loudly for the Severe Resentment of the Legislature.

These bold People have, in a Publick Manner, denied his Majesty's Title to New Jersey; they have Refused to Pay Obedience to his Laws, & have Publickly Contemn'd his authority; They have broke open his Goals, Beat & abused his Officers and Ministers of Justice, Turned People out of the Quiet Possessions of their Lands, and Putt others into their Places; They have Associated themselves together in Defyance of the Government, have frequently met in great Numbers, and Marched from one Part of the Province to another, Insolently giving out, that They are so strong & numerous, as not to be afraid of any Force the Government are able to bring against them; All the Steps that it was prudent, & in the Power of the Government, have been taken to bring the Criminals to Justice, & Putt a Stop to so dangerous & growing an Evil; but these Measures have all Prov'd ineffectual, and have only Occasion'd fresh Riotts & Contempts of His Majesty's Authority; in Consequence of which, the Course of Common Justice has been for some Time at a Stand; These Matters are all so Publickly known, that Particular Proofs are needless; however I have Ordered the Several Letters and Papers, relating to those Disturbances, to be laid before you for your Peruseal.

I must Observe to you, that it is impossible to suppose Great Britain will Part with, so Valuable a

Colony as New Jersey; or that his Majesty will Suffer his Authority & Laws, to be Trampled under Foot, in any Part of his Dominions, tho' ever so Remote from his Royal Person; & the attempt to do it, is certainly as vain, as it is weak & wicked. If the People of New Jersey will not be Govern'd by the mildest of Laws, They, Themselves will thereby Render it necessary to Govern them by Force; for, we Cannot Suppose that a British Parliament will Suffer these Things long to Pass with Impunity.

My Duty to his Majesty, & my Regard for the Safety of the Province, Oblidges me to Recommend this Matter to your most serious Consideration; And as any the Least Delay, in a Matter of this Importance, will be of dangerous Consequence, I hope you will Proceed with the Utmost Dispatch, in such Measures as may be most Conducive, to Restore the Peace of the Province; and by severe Laws, prevent the like Disturbances for the Time to come. * * * *

JOHN HAMILTON.

At a Council held at Perth Amboy in the Province of New Jersey, May 9th, 1747 * * *

His Honour the President Laid before the Board a Message from the House of Assembly which he had Receiv'd by two of their Members, and which is in the following Words—

May it Please your Honour

When your Honour in June Last Recommended the forwarding the Expedition ag^t Canada it is well known to your Honour We readily went into such Measures in Compliance with his Majesty's Pleasure Signified to Us by the Duke of Newcastle's Letter then Laid before Us that We not only Provided Provisions for five hundred Men rais'd in this Colony which was all his Majesty Required from the Province, but over & above gave a Bounty of Six Pounds a Man to each

Man so to be Inlisted to Incourage their Inlistment
 And at the same Time We Pass'd a Bill for the making
 Current ten thousand Pounds to Enable your Honour
 to Cloath & Arm the s^d Forces, All of the s^a £10,000
 We Cannot Learn is yet Expended.

This We beg Leave to Observe to your Honour as
 such a Mark of our Zeal for his Majesty's Interest as
 We are not informed that any of Our Neighbouring
 Provinces have Gone into.

At that Time there was nothing mentioned in the
 the Duke of New Castle's Letter nor by your Honour
 Recommended to Us of Paying those Forces and this
 House having already Exerted themselves to the Ut-
 most Ability of the Colony they are in no Condition of
 doing it at present.

We are very sorry to hear there is such an Uneasi-
 ness amongst the Forces, but as We are daily in Ex-
 pectation of hearing from home at which Time We
 make no Doubt but they will Receive their Pay &
 Cloathing from his Majesty agreeable to the Duke of
 New Castle's Letter above mentioned. And as That
 was the Condition on which they Inlisted into this Ex-
 pedition And as we have now granted them a third
 Supply of all necessary Provisions We hope that They
 will behave themselves like reasonable Men & Return
 heartily to their Duty in his Majesty's Service

As to the Matter of those Riots lately Committed in
 this Province, and Recommended to Our Consideration,
 it is with great Concern and Abhorrence We Look
 upon those Proceedings, Esteeming them to be of very
 ill Consequence; & shall willingly do Our Duty in
 Joyning with the other Branches of the Legislature,
 for the making proper Laws for Suppressing such Pro-
 ceedings, & discouraging the like for the future; But
 as the Doing Thereof will Require great Consideration,
 & more time than we have at present, being now only
 Call'd as we understand, to make some further Provi-
 sion for the Forces, which we have Chearfully done.

We hope those Riotous Proceedings may not be Continued; but if They should, at Our next Meeting We may have more Time to Consider and Transact these, & the other affairs of this Province: & doubt not, but that in the mean Time, Your Honour will take all prudent Measures, to Stop the Growth of those Proceedings, & do what shall be most proper and needful, until the same can be remedied, by some Act or Acts of the Province.

And with Respect to the Support of the Government by your Honour's Message Recommended to Our Consideration, We beg Leave to Say We have done what is in the Power of this House, that at Our Last Sitting here on the 23^d of October past A Bill for the Support of this Government was Carried up to the Council & Delivered to the Speaker in Council for the Council's Concurrence, since which this House has not had any Account or Information concerning the s^d Bill & therefore they Conceive that they have done their Duty in this Respect.

And as a Bill has now Pass'd this House by the Council to make Curr^t £1000 in Bills of Credit for the further Victualling & Providing for the Forces &c. The House Desires your Honour's Assent to the Same And there being no other Business at present before the House They Pray your Honour to Dismiss them.

By Order of the House

THO^s BARTOW Cl:

Upon which his Honour Desired to be informed what Bills or other Business was before the Council as a Branch of the Legislature And the Board Informed him that takeing into their Consideration the many great Riotts & other Breaches of the Publick Peace They Thought it their Duty to Perfect some Law to Prevent things of that kind for the Time to Come & to that End had Ordered a Bill to Prevent Tumults & Riotous Assemblys to be brought into their House

which was accordingly done & the same had been twice Read & stood Committed, that they should have gone through & Pass'd the s^d Bill but they found so great an Unwillingness in the house of Assembly to Proceed to any Business at this Time but that of making Provision for the Troops that they Judg'd it vain to Attempt any other.

And his Honour then Desired the Opinion of this Board & their Advice what was proper for him to do on this Occasion.

Whereupon the Board Declared that they Look'd upon it to be the Duty of every Branch of the Legislature to Exert themselves with the utmost Vigour to Enable the Government to bring to Justice the Persons Concern'd in the Late Disturbances & that they were willing & ready both as a Council of Advice & as a Branch of the Legislature to do every thing that should be thought most Conducive to that End, That they were sorry that the House of Assembly would not Joyn in any Measures at this time to Give a Check to so Dangerous & Growing an Evill, but since they were Determined not to do any thing at this time It was to no Purpose to keep them together and therefore Advised His Honour to Give them Leave to Adjourn themselves till monday 25th day of this Inst.

Letter from Governor Clinton of New York to Col. Schuyler, of the New Jersey Forces.

[From N. Y. Col. Docts., Vol. VI, p. 363.]

New York 6th May 1747

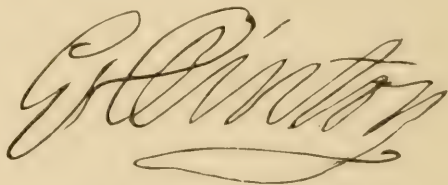
Sir,

I cannot forbear to let you know that I think you have been very imprudent in taking the steps you have lately done, in offering full pay to the men under your command without my knowledge or consulting with

the other officers. For if it was in your power to do it; it can not be proper, since in the opinion of His Majesty's Council of this Province the retaining the greatest part of the arrears due, till his Majesty's pleasure be known, is the most effectual method at present to prevent desertions, & on this I have the concurrent opinion of the President of the Council of the Jerseys (as I believe) by the advice of the Council there. Besides as it impossible to pay all the forces their whole pay at this time, any difference in the pay of one part from the other must occasion disorders & mutiny. I must likewise tell you that keeping up any kind of distinction in the pay or command must occasion confusion and disorder, of which you are to take notice & take care to prevent any room for complaint. I have ordered 40^s per man to be paid to each private man of the New Levies without distinction in what Province the levies were made, and I have promised to pay them 20^s p^r month till His Majesty's pleasure be known

As I believe that what you did proceeded from a Zeale to the service without duly considering the consequences of the step you took, I hope your future conduct will convince me of the truth of my sentiments of you, and am, Sir

. Your very humble Serv^t

A large, elegant handwritten signature in cursive script, likely belonging to George Clinton. The signature is written in dark ink and features a prominent, sweeping flourish at the end.

To Coll Peter Schuyler of the New Jersey Forces.

*Order of the Lords of the Committee of Council upon
a Petition of Jonathan Belcher, appointed Gov-
ernor of New Jersey—relative to his salary.*

[From P. R. O. B. T. New Jersey, Vol. V, F. 88.]

At the Council Chamber Whitehall the 9th day
of May 1747.

By the Right Honourable the Lords of the Com-
mittee of Council for Plantation Affairs.

His Majesty having been pleased, by his Order in Council of the 17th of last Month, to referr unto this Committee, the humble Petition of Jonathan Belcher, Esq^r His Majestys Governor of Nova Ceesarea or New Jersey, humbly praying, in case the Assembly of that Province should not settle a fixed Salary on him during the whole time of His Government, as directed by the twenty Sixth Article of His Majestys Instructions to him, That His Majesty would be graciously pleased to Empower him to give his Assent to such Bills as shall be annually passed by the said Assembly, for paying him a Salary as Governor and Commander in Chief, in like manner as His Majesty was pleased to give to the Governor of the Massachusetts Bay on a like occasion. The Lords of the Committee this day took the said Petition into their Consideration, and are hereby pleased to referr the same (a Copy whereof is hereunto annexed) to the Lords Commissioners for Trade and Plantations, to consider thereof and Report their Opinion thereupon to this Committee.

TO THE KING'S MOST EXCELLENT MAJESTY, IN COUNCIL
THE HUMBLE PETITION of Jonathan Belcher
Esq^r Your Majestys Governor of Nova
Cæsarea or New Jersey—

Sheweth,

That by the 19th Article of Your Majestys Instruc-
tions to Your Petitioner he is restrained from giving

his Assent to any Act for payment of Money either to himself as Governor or Commander in Chief or to any other Person whatsoever except to Your Majesty Your Heirs and Successors without a Clause be inserted in such Act declaring that the same shall not take Effect untill the same shall have been approved and confirmed by Your majesty Your Heirs or Successors.

That by the 26th Article of Your Majestys said Instructions Your Petitioner is directed to propose unto the Assembly at their first Meeting after his Arrival and to use his utmost Endeavour with them that an Act be Passed for raising and settling a Publick Revenue for defraying the necessary charge of the Government and that therein Provision be particularly made for a competent Salary to Your Petitioner as Governor and Commander in Chief for Supporting the Dignity of the said Office.

That although Your Majesty was Pleased to give the like Instructions to Your Petitioners immediate Predecessor M^r Morris Yet he was never able to prevail on the Assembly to settle any Salary upon him otherwise than from Year to Year and in that manner he received it without inserting in the Act for granting the same a Clause to Suspend its taking effect till Your Majesty should have approved the same.

That if Your Petitioner should be so unhappy in his Endeavours as not to be able to prevail with the Assembly to settle a Salary on him as directed by the 26th Instruction aforementioned Your Petitioner will in that Case as he apprehends be restrained by the 19th Article of the Instructions as aforementioned from reaping any Benefit from any Act the Assembly shall think proper to pass annually for his Support until the said Act shall have been transmitted to Your Majesty and Your Majestys Approbation of such Act declared and signified thereupon to Your Petitioner which must necessarily protract a great length of time and Your

Petitioner will be by that means left without any Support during all that time, there being no Salary payable in England to the Governor of this Province he being left dependent on the Will and Pleasure of the Inhabitants for such Allowance as they shall think proper to make him.

That Your Majesty was pleased on a like Occasion which happened in the Province of Massachusetts Bay to empower the Governor, in Case the Assembly should not settle a fixed Salary on him and his Successors or at least on him during the whole of his Government, to give his Assent to such Bill as should be annually passed for paying to him such Salary as is thereinmentioned, until Your Majestys Royal Pleasure should be Signified to the contrary, Provided such Act was the first that should be passed by the Assembly of the said Province before they proceeded upon the other Business of that Session wherein such Act should be Proposed a Copy of which Instructions is hereunto annexed

Wherefore Your Petitioner most humbly Prays that Your Majesty will, be graciously Pleased to grant Your like Royal Order of leave to him. And Your Pet^r shall ever Pray

L Belcher

Letter from James Alexander and Robert Hunter Morris, two of the Council of New Jersey, to the Lords of Trade, at the Request of President Hamilton.

[From P. R. O. B. T. New Jersey, Vol. V, F 92.]

New York May 10th 1747

The Right Honourable To The Lords Commissioners for Trade and forreign Plantations
Whitehall

May it please your Lordships

At the request of John Hamilton Esq^r President of the Council & Commander in Chief of New Jersey (who was disabled by his ill State of health to write) we had the honour of writing to your Lordships in December Last by the Ship Oswego the State of the Province of New Jersey with some papers concerning it which as that Vessel we hear is arrived we doubt not are come to your Lordships hand.

At the Like request and for the same reason by the Snow Prince William in ffebruary last we wrote to your Lordships with coppies of what we sent by former and with Coppies of all the Minutes of the Council & assembly from the time that coppies thereof had before been sent.

At the like request & for the same reason we are now sorry to acquaint your Lordships that the internal disorders of New Jersey are daily encreasing with the Number of Rioters & Riots and that the course of Justice is at a stand, That the General Assembly is once more called & mett Chiefly to see if they will as yet Join in proper measures to put a check to those disorders.

We Inclose herewith to your Lordships Coppies of the Minutes of Council since the Last Sent (by which & what we formerly wrote is approved of) with the Presidents speech to the Assembly & some other papers showing the Continuance & Growth of the disorders We are

May it please your Lordships

Your Lordships

Most Obedient & Most humble Servants

J^A. ALEXANDER

ROBT^T H. MORRIS

[On the 23^d May they wrote again at the request of the President, sending duplicates of the documents transmitted.]

Letter from President Hamilton to Colonel Peter Schuyler, commanding the New Jersey Forces.

[From Original Draft among Papers of James Alexander in Rutherford Collection, Vol. I, No. 4.]

To Coll. Schuyler Commander of the Forces [of New Jersey] at Albany

[Perth Amboy May 11th 1747.]

Sir,

I have yours by Cap^t Dagworthy & Leonard of the 30th of April and am Exceedingly sorry to hear of the General Mutiny of the Troops under your Command & more so that they have any Reason for it. I am Concerned that it has not been in my Power to Comply with the Terms Proposed to them at their Inlistment, but Cannot blame myself on that Account. I esteem their Pay Secure because they have his Majestys Promise for it Signified by his Secretary of State

And I hope they will not do any Act that may forfeit his Majesty's Favour which Leaving their Station will certainly be.

I approve your Zeal for his Majesty's Service in Endeavouring to Prevent the Troops from Coming off and in Generously Offering to Engage your own private Credit to procure money for the Pay of the Jersey Companys, but must Observe to you that had they Accepted of that money it would in all Probability have Occasioned a Mutiny in all the Rest of the Troops at Albany who were not paid in the same manner And as it is next to impossible to Procure money Sufficient in so short a time to Pay the Troops their whole Pay so I think it would be Prejudicial to his Majesty's Service to do so because they would then Desert in great Numbers Whereas their Receiving a Part of their Arrears & a monthly Allowance 'till his Majesty's Pleasure Could be known will certainly be best upon all accounts Especially if you Consider that they are furnish'd with Provisions & Cloaths at the Expence of the Province.

Before this Reaches you, you will Receive Directions from Gov^r Clinton as to the Pay of the Troops under your Command upon the same Terms on which the York & other Troops Quartered at Albany are to be Paid, and as his Excellency has on this Occasion Exerted himself & Engaged his own Credit to Procure money Sufficient to Advance 40s. York money to the Troops in Part of their Arrears & 20s p^r month till his Majesty's Pleasure is known I hope the Jersey Troops will Shew a good Example to the other Forces by Returning to their Duty & Accepting of what is Offered them and I must Recommend it to You to Use the Influence you have Deservedly Acquired among them to Induce them so to Do

I Laid before the Assembly, your Letter to me & Ordered your two Officers to Attend them & they have

Given a further Supply of Provisions as you will See by their Votes which I Send you inclos'd

I must also Inform you that upon your Representation of the Great Want the Men are in of Shirts & Shoes I have this day Ordered two Speckled Shirts & one Pair of Shoes to be made for each of the Men under your Command & to be Sent to You with all Dispatch imaginable, which You will Deliver to them when they Return to their Duty

I am &c.

Order of the Lords of the Committee of Council—referring to the Lords of Trade a Petition of Jonathan Belcher, appointed Governor of New Jersey, for permission to be absent from his Government two or three months, to visit New England.

[From P. R. O. B. T. New Jersey, Vol. V. F89.]

At the Council Chamber Whitehall the 19th of
May 1746.

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{ L S }
* ~ ~ *

By the Right Honourable the Lords
of the Committee of Council for Plan-
tation affairs—

His Majesty having been pleased by His Order in Council of the 16th of last Month, to referr unto this Committee the Memorial of Jonathan Belcher Esq^r His Majestys Governor of the Province of New Jersey, humbly praying, for the Reasons therein contained, that His Majesty will grant him His Royal leave to be absent for Two or Three months, at such time or times as may necessarily require his going to New England, taking such Time and Season as may be the least prejudice to His Majesty's Service; And in regard the Memorialist has no appointment from the Crown, and

the Salary of the Province is very slender, the Memorialist further prays that His Majesty would be graciously pleased to dispence with that part of the 30th Article of his Instructions, which gives one full moiety of the Salary to the Lieutenant Governor or Commander in Chief during the absence of the Memorialist from his Government; The Lords of the Committee this day took the same into their consideration, and are hereby pleased to referr the said Memorial (a Copy whereof is hereunto annexed) to the Lords Commissioners for Trade and plantations, to consider the same, and Report their Opinion thereupon to this Committee.

W. SHARPE

To the Kings most Excellent Majesty in Council
The Memorial of Jonathan Belcher Esq^r your
Majestys Governor of the Province of New
Jersey—

Humbly Sheweth

That by the 30th Article of your Majestys Instructions to your Memorialist it is Provided that during the Time he may happen to be absent from the Province of New Jersey one full Moiety of the Salary and of all Perquisites or Emoluments of Government whatsoever shall be paid unto the Governor Lieutenant Governor Commander in Chief or President of the Council who shall be resident upon the Place for the time being—

That as your Memorialists Family reside at Massachusetts Bay in New England which is about four hundred miles from New Jersey and what little Fortune he is possessed of, likewise lies there, which may upon particular Emergencys require his going thither—

Your Memorialist therefore humbly prays your Majestys Royal leave to be absent for two or three

months at such Time or Times as may necessarily require his going to New England, taking such Time and Season as may be the least prejudicial to Your Majestys Service, and in regard Your Memorialist has no appointment from the Crown and the Salary of the Province is very slender that your Majesty would be graciously pleased to dispence with that part of the 30th Article of the said Instructions which gives one full Moiety of the Salary to the Lieutenant Governor or Commander in Chief during the absence of your Memorialist from his Government And Your Memorialist shall ever pray &c^a

J: BELCHER

Letter from Governor Clinton of New York to the Duke of Newcastle—about the payment of troops.

[From N. Y. Col. Docts., Vol. VI, page 349.]

New York 23 May 1747

May it please Your Grace,

Besides the other reasons for my paying some part of the arrearages due to the forces levied on the expedition designed against Canada, M^r Schuyler who (it is said) has a Commission from the President of New Jersey to Command the forces levied in that government, his giving out that he would pay the whole of the arrearages due to them under his command, made it absolutely necessary to do at least what I have done.

As soon as I heard of the mutinous disposition among the forces at Albany I was at the same time inform'd that M^r Scuyler had given out that he was resolved to pay the troops (under his command) the whole of the arrearages due to them, I informed the President of Jersey of my resolution by the advice of His Majesty's Council of this Province to pay 40^s p^r

man in part of what was due to the forces at Albany without distinction of what Colony they belonged to, & to continue to pay 20^s p^r man monthly, till such time as His Majesty's pleasure should be signified to me

I informed him likewise that it was not thought advisable to pay the Men their whole pay at this time supposing that money sufficient could be procured for that purpose, which however it is thought could not be obtained, because there would then be no tie to prevent their desertion

The President & Council of the Jerseys approved of these reasons, & wrote a letter to M^r Scuyler, of which a copy was inclosed to me, wherein they required him to conform himself to such directions as he should receive from me. Notwithstanding this he has paid the forces under his command, the whole of their pay, & the officers of the other forces there inform me that M^r Scuyler's paying the New Jersey troops in this manner is the principal reason why the greatest number of the other forces & chiefly those levied in this Province remain discontented & mutinous, & refuse to receive less than their whole pay.

Your Grace must likewise be sensible how contrary it is to the discipline of the army for any Officer which is in my government (& undoubtedly while there under my command) to act in direct contradiction to my directions, especially in a matter of such general concern, & likewise to the orders which he had received from his own government.

This must consequently introduce confusion, & I am informed speeches were given out by his men that they would receive no pay of the Governour of New York, because if they did then they would be under his command, which they were resolved not to be.

All these things, with many others of a different kind, shew what danger this Province may be in from

the artifices of a prevailing faction at this time, & how prejudicial it may be to his Majesty's service every where in North America¹

It must weaken exceedingly my administration if this money be paid, without M^r Scuylers making application to me, with an acknowledgment of his fault at least, & desiring my intercession in order to obtain it

I must beg your Graces forgiveness of all faults on account of the hurry I am in.

I am with the greatest respect My Lord

Your Graces most obedient and

most humble servant

G CLINTON

To his Grace the Duke of Newcastle.

Report of the Lords of Trade—on the the Petition of Jonathan Belcher referred to them, as above on the 19th of May.

[From P. R. O. B. T., New Jersey, No. 15, Ent: Book D, p. 162.]

To the Right Hon^{ble} the Lords of the Committee of His Majesty's most Hon^{ble} Privy Council.

My Lords,

Pursuant to your Lordships Order of the 19th instant, We have taken into Our Consideration, the Memorial of Jonathan Belcher Esq^r His Majesty's Governor of the Province of New Jersey, "humbly praying, for the

¹ In a postscript to a letter to the Duke of Newcastle, dated 30th May, Governor Clinton wrote: "I have this instant received an express from Albany y^t all the new levyes are all up in mutiny for their pay tho' they have just rec'd the 40s a man. This prejudice the men have imbib'd from ye president of ye Jersyes troops being paid is a difficulty not to be surmounted but by acting in ye same manner. This Col. Peter Schuyler did on his own account, contrary to my orders & ye orders he received from ye President & Council of his own government, and hope may suffer for it" *N. Y. Col. Docs.*, Vol. VI, p. 351, and again referred to it under date of July 23d, Vol. VI, p. 357.

“Reasons therein contain’d, that his Majesty will
“grant him his Royal Leave to be absent for two or
“three Months, at such time or times as may neces-
“sarily require his going to New England, taking
“such time and Seasons as may be the least Prejudice
“to His Majesty’s Service, and in Regard the Memo-
“rialist has no Appointment from the Crown. and the
“Salary of the Province is very slender, the Memorial-
“ist further prays that His Maj^{ty} would be graciously
“pleased to dispense with that part of the 30th Article
“of His Instructions, which gives one full Moiety of
“the Salary to the Lieutenant Governor or Com-
“mander in chief, during the Absence of the Memo-
“rialist from his Government;”

Whereupon We take Leave to Acquaint your Lordships,

That We are of Opinion that such a general Leave of Absence as is desired by the said Memorial, may be attended with inconveniences to the Province, and that it will be more reasonable for the Gov^t to apply to His Majesty for a particular Licence, whenever his private Affairs May necessarily require his going to New England: We must likewise further acquaint your Lordships,

That in all and every of His Majesty’s Colonies and Plantations in America, Provision is made by His Maj^{ty}’s Instructions to the respective Governors thereof, that when it shall happen, in any Case whatever that they shall be absent from their Governments, one full Moiety of the Salary and of all Perquisites and Emoluments whatever, which would otherwise become due unto them, shall, during the time of their Absence, be paid unto such Governor, Lieutenant Governor, Commander in Chief, or President of the Council, who shall be resident upon the Place for the time being, in order for the Support of the dignity of Government, which said Instruction appears to Us, to be wisely cal-

culated for the better carrying on of His Maj^{ty's} Service, and to be a just and reasonable Provision, for as much as without such Allowance, the Person upon whom the Gov^t would devolve, in case of the Absence of the Governor, would be laid under great Difficulties and Hardships, and Administration become burthensome and expensive; We cannot therefore recommend to your Lordships to advise His Maj^{ty} to comply with the Prayer of the S^d Memorial. We are &c.

Dupplin

Monson

R Plumer

B. L. Gower

Whitehall

Fran. Fane

May 28. 1747

List of Rioters in Somerset and Middlesex Counties,
1747.

[From Papers of James Alexander in N. J. Hist. Society Library, Vol. I.]

Persons Indicted for a Riot in Somersett County
Quarter Sessions and Removed into the Sup^t Court
May term 1747

Edmond Bainbridge

John Anderson (Clerk)

Samuel Price

John Bunbridge Jun^r

List of Rioters in Middlesex County Returned
upon a Record of View filed in the Supream
Court in Aug^t Term 1747:

Edmond Bainbridge

Simon Wyckoff

Amos Roberts

Theophilus Burwell

Jacob Shipman

Philip Ike

Barent Dewitt

Cornelius Dehart

Thomas Clauson

Dollings Hegemen Jun^r

John Rickie

Israel Rickie

John Jeffers .

Cornelius Johnson

| | |
|-------------------|-------------------|
| Garret Cornelison | John Skermerhorne |
| ——— Bodine | ——— Bodine |
| Abraham Vanwinkle | Henry Hogelandt |
| George Hopper | |

with others unknown to the Number of one hundred and fifty persons—

Judge Nevill's Charge to the Grand Jury of Middlesex County at Session of June, 1747.

[From Original Draft among Papers of James Alexander in Rutherford Collection.
Vol. I, No. 24.]

Gentlemen of the Grand Jury,

The Law being always desirous diligently to find out the Truth in all Causes called in Question in the Courts of Judicature, to the End Impartial Judgment may be given, and strict Justice executed accordingly. hath in all Ages esteemed it to be the best Method to search out this Truth by the Oaths of Honest, Lawful, and indifferent Persons; and certainly That Man, who doth profess God to be his Creator by whom alone he hopes for Salvation, when he doth solemnly swear in the Presence of that God and his People, that he will present the Truth and nothing but the Truth according to his Knowledge, in the Matter in Question as God Shall help him, that is, as he expects the Blessing of God in this Life, and Eternal Happiness in the Life to come, I say, certainly that Man will in all Respects be void of all Partiality and private Affection; For an Oath is fitly termed a Holy Band or Sacred Tie, a Godly Vow, and the Foundation and Ground of Truth: A Ceremony instituted by God himself, wherein he is a Party, and will see it verify'd or Sharply punished. Therefore as the Law doth reverently respect the Oaths of Men, taketh her Intelligence

of Matters in Faith from them; and giveth such Credit and Approbation unto them as to found and build her Judgments in most Cases of the Greatest Importance upon them. So she has always intended that those Oaths Shall be taken by Men of Sincerity of Life and mature Judgment. Men indifferently affected and such as will respect the Truth of their Knowledge and not the Face of the Person; And when an Indictment is found by a Jury of Twelve such Men, or above, it is called *Billa Vera*, or a Presentment of Truth, I think Gentlemen, I need say no more to you of the Sacred and Solemn Obligation you now lie under; but proceed in as brief a Method as possible to the Discharge of my Duty by Laying before you such Matters as require your immediate Attendance and serious Consideration. You are the Grand Inquest for the Body of this County of Middlesex, sworn to inquire into all Crimes and Misdemeanours whatsoever committed within the said County Capital or Not Capital against God, the Kingdom or the County; And, here, I must inform you tho' Capital Offences cannot be try'd by this Court Nevertheless they are the Subject of your Enquiry, nor can you, consistent with your Oaths, dispense with that Enquiry and the Indictment when found must be certify'd in the Court above, where the Offenders will be tried and punish'd according to Law.

Gentlemen. A dangerous and terrible Insurrection is lately begun and still continues to gain ground in this Province by a great Number of abandon'd Wretches, headed and encouraged by Men of Fortune and great Estates, under Pretension of Reforming the Laws, and Redressing Public Grievances, who refuse to submit any longer to those just and equitable Laws by which we and our Forefathers have been hitherto governed; but in lieu thereof have Set up the Laws of Violence, enforced by Staves and Clubs, and call these

the best and only Laws to govern the Constitution, as will be proved to you in your Enquiry, to the Great Terrour of his Majesty's Faithful and Loyal Subjects, the Subversion of the King's Government and to the utter Ruin and Destruction of the Province, if not timely prevented by the Sword of Justice and the Aid and Assistance of every True and Sincere Lover of his Country, for Never did the Natural Ill Will to Superior Power, and the inbred Malice to Authority, Shew itself more or diffuse itself farther in New Jersey than at present; and the Tumultuous and Bloody Times which Consequently must attend such Woful Proceedings will soon convince any Man of Sense how little the Fury of a Mob is to be depended upon. There is no Grievance that any Subject of Great Britain can be liable to which the Law has not prescribed a Remedy for; And it is most certain That the Seeking Redress by Legal Methods is the only sure Way of obtaining it; Any other Methods are much more likely to lead to greater Evils than those complained of. To what a Heighth of Wickedness are these People grown; all Ranks of Men suffer, they not only threaten but have even attempted the Lives of the Magistrates, they subvert the Established Laws and Set up Laws of their own, by the force of which they break open the Kings Gaols and rescue Prisoners committed thither by Legal Processes, they have openly said they will take and imprison the Kings Officers and Loyal Subjects by way of Reprise if they shall presume to do their Duty; Nay to that daring and Surprising Impudence are they arrived, as to declare, That if they shall meet with any Resistance from the Authority, they will Kill and destroy all before them. But I hope Our All is not yet at the Mercy of a Lawless Rabble who have madly clubb'd to destroy their Country and themselves. Nor is there any Fear of it, if every good Subject will but endeavour to do his Duty in the Station assign'd him,

We are yet free and I hope we shall continue so, and there can be no greater Justice than that the Spoilers of a Free People should be spoiled by the Laws. But all is owing to the Corruptness of the Times and the Depravity of Mens Manners for when the Justices shall be abused, reviled defamed, threaten'd and otherwise ill treated by wicked Men for only doing the Duty of their Office, and when these Offences are complained of and given in Charge to a Grand Jury, by whom such Offenders are indictable and no Notice taken of it, its no Wonder that from first trampling upon the Authority they arrive at greater Heighths of Wickedness and attempt the Subversion of a Country. Something of this kind will be laid before you, and which I likewise give you in Charge, even as I am informed no less a Crime than threatning to beat a Magistrate if he gave a Cause against him, this is a Misdemeanour enquirable & indictable by you. I doubt not, Gentlemen, when you seriously consider what has been said to you, and what has been read to you, and the Matters of Fact which will be laid before you, but you will do your Duty and discharge your Consciences like Honest Men.

Gentlemen, On Friday last these Rioters to the Number of Two Hundred and upwards, entered on Horseback into the City of Perth Amboy, One of the Capital Cities of the Province, armed with Clubs and Staves to the great Terrour of the Inhabitants, and being alighted a Party of them upwards of a Hundred in Number, marched on Foot in a Warlike Manner to the Kings Gaol, where the Magistrates both of the City and County, the High Sheriff and his Deputy, and the Constable were met together in order to keep the Publick Peace; the Proclamation ordered by Law for Dispensing Rioters was read, and the Sheriff in a Civil Manner forwarned them from Breaking open the Gaol but all this Authority was treated with Scorn and Deri-

sion, the Magistrates the Sheriff & Peace officers were assaulted by the Mob with Staves and Clubs, the Sheriff himself knock'd down and so grievously wounded, that it was at first questioned whether he would survive it, the Gaol was broke in the Presence of the Magistrates, who were not able to repel so great a Force, three Doors were burst open with an Iron Crow and a Sledge Hammer to get at the Prisoner John Bainbridge, who was thus violently set at Liberty by these Rebels, for such I shall be able to prove them by and by; after which by way of Insult to the Publick Authority, they triumphantly marched through the Town with Fiddles playing before them threatening Death and Destruction to all that should oppose them. This John Bainbridge was committed by the Authority of a Process legally issued by the King's Attorney upon an Indictment found against him in the County of Somerset for Breaking open the King's Gaol there and Rescuing a Prisoner legally committed thither. So that the said Bainbridge was a Prisoner at the Suit of his Majesty and not upon a Dispute between Subject and Subject; Gentlemen, my Duty obliges me to charge this Grand Jury with this Rebellious Insurrection, or Levying of War against the King; And in this nice Point, I shall not presume to offer my own private Thoughts but lay before you the Opinion of the Law relating to these Processes. The first Authority I shall offer to you is Hawkin's Pleas of the Crown, Book 1, Chap 17. Title *High Treason*. Pobham 121, 122 More 621. [Other references in the original are difficult to decipher]

Now that there was a Design of Rescuing Prisoners in general will appear to you from one of the Mob coming up to the Gaol after the Rescue of Bainbridge, and inquiring if there were any more Prisoners, to release, if there were let them come out, and, Gentlemen, in Cases of this Nature the Act of one is the Act

of All and the Declaration of One is the Declaration of All. For they were all near at Hand aiding and abetting this Man By these Authorities it plainly appears, That both by the Common Law and the Statute Law, These Men are indictable for High Treason for the Acts will be proved to you by Evidence viz, That they have made an Insurrection in order to redress pretended Publick Grievances; and of their own Authority have attempted with Force to redress them; That they have insolently invaded the Kings Prerogative, by attempting to do that by Private Authority which he by Publick Justice ought to do, and that is plain by Rescuing this Prisoner out of the King's Gaol before he could be brought to Justice, which (says the Law) manifestly tends to downright Rebellion, and all Rebellion is High Treason; That they have attempted to revenge themselves against the Magistrates for Executing their offices; That they have broke open Jaol with Design to release Prisoners in General; That they have in a violent and Forcible Manner withstood the King's Lawful Authority, and endeavoured to reform the Government, which is Levying War against the King and Rebellion, and all Rebellion is High Treason. I charge you therefore upon the Oath you have taken these and Misdemeanours. Pity is certainly a Noble and Godlike Attribute; but then Pity for yourselves! Pity for your Families! Pity for your Expiring Laws! Pity for the King's Good Subjects wounded, beat, and abus'd! And most of All Pity for your Poor Distressed Country Miserably torn to Pieces by these Seditious Proceedings ought to have the Precedence. Besides the Sacred Oath you [have] taken divests you of all Favour and Affection as well of all Hatred and Malice, which God forbid should remain in any of us, And I do Solemnly declare in the Presence of God and this Honourable Court, that tho' they have threaten'd my

Life and Destruction to my Family, that I have not the least Malice against any One of them; and that what I have now alledg'd hath not proceeded from Rancour but the Duty of my Office, and the pressing Necessity, of putting an End to these dreadful Beginnings before the whole Province is involved in Ruin and Destruction.

Letter from John Reading, eldest Councillor of New Jersey, to the Lords of Trade—informing them of the death of President Hamilton, and of his having assumed the Government.

[From P. R. O. B. T., New Jersey, Vol. V, F 96.]

New Jersey June the 25th 1747

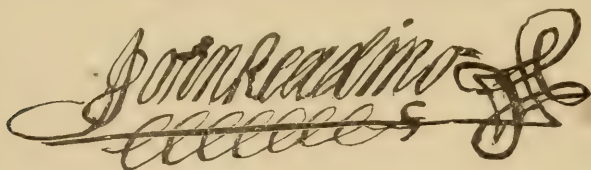
My Lords

On the 17th Instant John Hamilton Esq^r late President of his Majesties Council and Commander in Chief of this Province departed this life after a long and slow illness which for some time before his death rendered him unfit for the discharge of so great a Trust that had fallen upon him But such was the Care and diligence of the Council on that occasion that the Province suffered no injury by his illness Immediately after his death the Council met and I being the person first named in his Majesties Instructions to the late Governor they Swore me into the Administration of the Government I think it my Duty to give your Lordships this Information of what has happened in this Province and at the same time beg leave to assure you that I shall endeavour to administer the Government truly and faithfully as long as it shall continue in my hands and as near as may be agreeable to the Royal Instructions It is with concern that I mention to your Lordships the internal disturbances of the Province but

shall not trouble you at present with any particular account of those affairs which has already been lay'd before your Lordships by order of the late President and shall only say that my best endeavours shall never be wanting to restore peace & tranquility to the Province to support and mentain his Majesties Authority and to check to the utmost of my Power the too prevalent Spirit of faction now reigning in this Government

With my next I shall Send your Lordships the minutes of the Council and such other publick papers as may let you into the State and Condition of this Province and in the meantime beg leave to Subscribe my Self

My Lords Your Lordships most
obedient & most Hum! Servant



To the Lords of Trade &^{ca}

Letter from John Deare to Chief Justice Morris—informing him of the Riot at Perth Amboy.

[From Copy among the Alexander Papers in the Rutherford Collection, Volume II, No. 11.]

Perth Amboy July 18th 1747

Sir

A few Days ago I wrote Circular Letters to the Justices Desiring their Attendance here yesterday when I had repeated Information the Rioters would Come & Rescue John Bainbridge, Several of the Justices Came & most of the Constables, We heard in the Morning the Mob were Gathering together about Woodbridge

but according to your Honour's Advice it was Resolved not to make any Resistance. About Eleven a Clock the Justices the City Magistrates & I attended by my Deputies and the constables went to the Market House & Walked thare till between Twelve and one when a mob of about One hundred & fifty, Armed with Great Clubs Came into the Town on horse back, Rode by my door, then alight, Tyed their Horses to M^r Johnston's fence & Came on foot up the Street with Edmond Bainbridge, Simon Wyckoff & one Amos Roberts at their head and two Fiddles Playing. We mett them at the Corner of the Court house I asked their Business, Commanded them to Disperse, Read the Proclamation, which they Suffered me to do but when I began to Read the Writt by which I had taken Bainbridge I was knocked down & have a Grievous Wound in my head they also Struck the Mayor, broke one of the Constable's head beat several of the others and then violently with a Sledge and Iron Burr & a Hatchet broke open the Outward Door & inward Doors of the Goal took out the Prisoner and Carried him off Huzzaing.

Bainbridge the Father & his Son had (afterwards) the Impudence Attended by a few more to ride through the Town down to the Ferry & Cross the River & then went out of town. After they had broke the Goal & as they were Doing it I believe about one hundred of them Came into Town but the heads of them Staid a few of those who came in were known. After they were gone the Justices Recorded the Riot Incerting the Names of Twenty one. This Sir is our Present Condition of which I thought it my Duty to Acquaint your Honour and am

Your Honour's Most obedient and

Humble Servant

JOHN DEARE

The Hon^{ble} Robert Hunter Morris Esq^r

*Affidavits relating to the Riot at Perth Amboy, July
17th, 1747.*

[From certified Copies among Rutherford Papers, James Alexander's Collection,
N. J. Papers, Vol. III, No. 4.]

MIDDLESEX

Memorandum That on the 17th Day of July 21st Year of the Reign of our Sovereign Lord George the Second by the Grace of God of Great Britain, France & Ireland King &c WE Robert Hude, James Thomson, James Smith, Thomas Nevill, John Stelle, Nicholas Everson, Thomas Gage, W^m Cheesman Esq^{rs}—Eight of the Justices of our Lord the King the Peace of our said Lord the King in the s^d County to keep assigned, & John Deare Esq^r High Sheriff of the said County, having Information of a Riot intended to be committed in the City of Perth Amboy, We at the Request of the High Sheriff af^d together with him the High Sheriff af^d did on the Day af^d in our proper Persons go to his Majestys Goal or Prison in the said City of Perth Amboy in the County af^d and then and there did see Edmond Bainbridge, Simeon Wyckoffe, *Amos Roberts*, Theophilus Burrell, Jacob Shipman Philip
. . . . Barnet Dewit, Cornelius Dehart, Thomas Clawson, *Dolins Hegeman Jun^r*, John Riskies. Richie, John Joffers, Cornelius Johnson, John Schermerhorne Bodine, Abraham Vanwinkle, Henry Hoogland, George Bodine Hopper, John Hopper, and other Malefactors, & Disturbers of the Peace, of our s^d Lord the King, to Us unknown, to the Number of 150, armed with Clubbs, & being so as af^d armed, Riotously, unlawfully & at the said Goal, did assemble themselves together & come, & the said Goal did

assault, & with Force & Violence, to Wit, with an Iron Barr, a Sledge & a Hatchet, One Out Door, & two Inner Doors of the s^d Goal did break open, & thereout did rescue, Sett at Liberty, & carry away one *John Bainbridge Jun^r* to the s^d Goal legally committed by proofs out of his *Majestys Supream Court of Judicature* in this Province, & other Harms to his Majesty's s^d Goal in the s^d County of Middx Did, to the great Disturbance of the Peace of our s^d Lord the King, to the grievous Terror of his Majestys Liege People, & ag^t the Form of the Statute in that Case made & provid^d. In Testimony whereof We have put our Seals to this present Record. Given at Perth Amboy the Day & Year above Written

| | | |
|------------|---------------|------|
| | ROBERT HUDE | (LS) |
| | JAMES THOMSON | (LS) |
| JOHN DEARE | JAMES SMITH | (LS) |
| | JOHN NEVILL | (LS) |
| | JOHN STELLE | (LS) |
| | H EVERSON | (LS) |
| | THOMAS GAGE | (LS) |

John Nevill one of the Justices in the Record of which the Preceeding is a Copy named do Certify that I have examined the preceeding Copy with the original & that it is a true Copy. Witness my Hand the 20th of July 1747.

JOHN NEVILL.

RICH^d FITZ RANDOLPH being one of the People called Quakers, on his Solemn Affirmation Declares that on the 17th Day of this Instant July being informed of a Riot intended to be committed at Amboy and seeing a Number of People Armed with Clubbs come into Town he followed them to the Goal as a Spectator of their Proceedings & saw them March up to the Goal to abo^t (as he thinks the Number of 200 when he also Saw

the Mayor Sheriff & several others of the Magistrates both of the Town & County amongst them & heard the Sheriff read the Proclam^a Com'anding them to disperse. Soon after which he this Affirment Saw one among their Number (to him unknown) Strike the Sheriff with the Butt End of his Clubb so that he knocked him down, & in a short Time the Outward Door & two inner Doors of the Prison were all broke open, & this Affirment Saw one John Bainbridge Jun^r at Liberty out of the s^d Goal who Just before had been close lock'd up therein, And this Affirment further Saith that Just after the Sheriff was knocked down, he saw one Burrill (being one of the Rioters) Menacing & Threatening the Mayor of the City, who was then among the Crowd endeavouring to make Peace, And also Saw s^d Burrill lift up his Clubb & Strike at the Mayor, but did not hit him, & farther Saith not

RICH^d FITZ RANDOLPH

Affirmed this 20th of July 1747 before me.

AND^w JOHNSTON.

THE AFFID^t of W^m Deare & Jarrett Wall taken before Andrew Johnston Mayor of the City of Perth Amboy.

THESE Dep^{ts} Say They have Seen John Bainbridge Jun^r Since (as they are informed) he was rescued out of the Goal at Perth Amboy by a Number of People who broke open the s^d Goal, & have talk'd to him about that Affair—That among other Expressions of the s^d Bainbridge they heard him say & threaten that if any other Person sho^d be put in Goal on John Coxe's account They wo^d go (meaning as these Depon^{ts} understood, The People that broke the Goal at Amboy wo^d go) & pull Coxe's House down abo^t his Ears & oblige him to walk before them to the Goal & deliver the

Prisoner himself, and upon s^d Dears Saying M^r Coxo wo^d have no More Right than they to deliver the Prisoner if he was put in at the Kings Suit, The s^d Bainbridge made Answer that then they wo^d break the Goal Doore open for him and Oblige Coxo to go and lead the Prisoner out or Words to that Effect, & further say not.

Sworn the 20th of July 1747
before me And^w JOHNSTON.

W^m DEARE
JARRITT WALL

ANDREW KELLY of full Age being duly sworn on the Holy Evangelists Depoeth & Saith that he was present at the late Riot Committed at Amboy when the Goal was broke open & one John Bainbridge a Prisoner in s^d Goal Sett at Libty, that some Short Time after the said Riot was committed (on the same Day) he heard one of the psons concerned in it Ask another of his Company if he had Seen Samuel Nevill upon which the other Answered no Damn him for a Son of a Bitch I wish I co^d See him, I'd be the Death of him, or Words to that Effect, that the Man that so threatened M^r Nevills Life was a Stranger to this Deponen^t but was one of the psons present with a Clubb in his Hand at the breaking the Goal as af^d & further Saith not

Sworn the 20th of July 174[7]
before me And^w Johnston.

AND^w KELLY

MIDDLESEX S.S. JAMES THOMPSON of the Township of Piscataqua in the Co^{ty} of Middlx Maketh Oath That on Friday the 17th Day of July He was at the City of Perth Amboy, where a great Number of People were met in a riotous Manner & broke open the Goal there & this Dep^t further Saith that he heard some Person

amongst the Rabble to this Depon^t unknown express himself to this Effect to witt Whow is Nevill God Damn him, We will put an End to him, And farther this Dep^t Saith not

Taken this 18th Day of July JA^s THOMPSON
1747 before me And^w Johnston.

I do Certify that I have exam^d the three preceeding Copies with the Original Affidavits now in my Hands & they do each agree with the Original

July the 20th 1747 AND^w JOHNSTON.

MIDDLESEX SS SARAH MARTIN of the Township of Woodbridge, in the County of Middlx, Widow of full Age Maketh Oath That on Friday the 17th of this Instant July abo^t 9 of the Clock in the Morning a great Number of People to the Number of 70 or 80 as this Dep^t bel^s & was informed, came to this Depon^{ts} House a Tavern in Woodbridge af^d, amongst which Company were Simon Wicoff, Tho^s Clawson, Hendrick Hoagland, & many others to this Depon^t unknown But she bel^s to be some of the Persons called *the Rioters*, That they Waited at this Dep^{ts} House & thereabouts near two Hours (as this Dep^t understood) for sev^l more of their Gang coming up, And this Dep^t further Saith That some of the s^d Rioters sayd they were going to Amboy to take a Man out of Goal; That about 11 a Clock they went a Way towards Amboy—And this Dep^t further Saith that abo^t 4 or 5 a Clock in the Afternoon of the s^d Day the s^d Rioters Much abo^t the af^d Number returned to her House, and that Simon Wicoff, Tho^s Clawson & Hendrick Hoagland were then in the s^d Company; And this Dep^t further Says that she heard some of the Rioters say that they had taken one John Bainbridge out of Goal & had sent him over the Ferry Home, And if there had been a Hund^d Committed they wo^d taken them out as fast as they sho^d be put in, for

they did not go abo^t such an Affair, but what they co^d do it, or Words to that Effect; And this Dep^t further Saith that she heard some of the s^d Rioters (to this Dep^t unknown) declare that if they had met with any Resistance in Amboy, or if they (Meaning as this Dep^t bels the Authority) had fired upon them, the s^d Rioters or hurt any of them There sho^d not have been a Man left alive, or a House Standing in the s^d City of Perth Amboy, but they the s^d Rioters if they co^d have done nothing else wo^d have drove them into the River, And this Dep^t further says that she heard some of the s^d Rioters Say that they had built a Goal back in the Woods & that they wo^d take M^r John Coxe & M^r Sam^l Nevill & put them into the s^d Goal & then See who durst fetch them out, or Words to this Effect And this Dep^t farther Says that she understood by the s^d Rioters Expressions that they had Way laid M^r Coxe in Order to Catch him, And that they threatned to do the s^d M^r Coxe a Mischief & pull his House down to the Ground, And this Dep^t further Saith, that Simon Wicoff sayd to this Dep^t you knew of our coming why did you not get Beer, I recommended them to your House, And this Dep^t replied I did not expect to see you here, but I sho^d not have got Beer the Sooner upon this Account, or Words to that Effect; And this Dep^t further Sayth that the s^d Rioters rejoiced & greatly triumphed in what they had done And further this Dep^t Saith not

her
SARAH V MARTIN.
mark.

Sworn this 20th day of July
1747 before me Samuel Nevill.

I have examined the preceeding Copy with the Orig^l Affid^t now in my Hands & find them to agree
July 20th 1747.

SAM^l NEVILL.

*Letter from Chief Justice Robert Hunter Morris to
James Alexander—about New Jersey Affairs.*

[From Original among James Alexander's Papers in Rutherford Collection,
Volume 1, No. 8.]

Trenton July 28th 1747

Dear Sir

* * * * On Tuesday last I left home in order to attend the President in Council the next day at Amboy and we accordingly met on the wednesday afternoon, sundry affidavits were laid before us relating to the Riot at Amboy, and the insolent behaviour of the mobb on that Occasion, of which I would send you coppys if I had time, upon them the councill advised the calling the Assembly as soon as possible, and approved the form of a letter from the Secretary to Each Member in which the disturbances of the Province occasioned by the many Riots and particularly the last at Amboy are mention'd as the principal cause of their being call'd together at this time, that they may have no pretence for not doing their duty—The time of meeting is on the 3^d tuesday of August and I hope we shall have your company.—

I must own to you that I have no great expectations of their doing any thing Effectually to stop so dangerous an evill, but nevertheless think it Right to push the Matter as home to them as we can, not only in the speech, but by Bills and messages from the Council, and I think we should be ready early in the session that they may have no time to contrive ineffectuall measures that will have no other effect than to screen them from the guilt of suffering these things so long to pass with impunity, but will not answer either to stop the present or prevent the like disturbances for the future

The council agreed to make a representation to his majesty of the state of the provinces, and for the

Drawing up what is proper on that Occasion they have appointed you M^r Coxe and Myself, I proposed a letter from the President and Council to the D of Newcastle, to be immediately drawn up, the gentlemen were in too much haste to return to their homes to come into any such step, and so it was not agreed to

The Court of Pleas and Quarter Session sat the last week at Amboy for the County of Middlesex and Nevill labour'd hard in his charge, and otherwise, to have some of the Rioters indicted for high treason, but he had a grand Jury that would hardly indict them for a Riot; I told him I thought him wrong to press that matter without first advising upon it, especially as the Supream Court was near; he said he had M^r Kearns Advice for what he did, and seem'd very fond of pushing the thing, and of having the witnesses examin'd by the grand Jury in open court; but that I prevented.

As this Insurrection has happen'd in the County where the next term is to be held, it will be incumbent on me to recomend it in the Strongest terms to the grand Jury, and as I conceive it to be an overt act of Treason I don't see how I can avoid mentioning it as such; and on this head I must beg your thoughts and assistance and for that end hope to see you at Amboy on the day before the Court that we may agree upon what will be proper to be said to the grand Jury. And here I would Observe that it can have, no ill Effects upon the honest part of the Province to have a Bill of high Treason found against some of these Common disturbers, but it may answer some good purpose, either by inducing the Assembly to come into speedy and effectual measures, or if they refuse, by alarming the government at Home and making them think of taking notice of, and punishing in the Bud, an evill that let alone will wrest their Plantations out of their Hands,—but of this when we meet.

You Observe well that our greatest safety consists in

our strength in councill, and in order to preserve it we must take care to hang as much as possible together and give no Just grounds for suspensions.—we have no reason to expect any considerable number in the other house, at present, whatever we may do on a new choice, our chief dependance then must be on the Middlesex Members and one or two more that they can Influence, who by keeping themselves together without Joyning either with the Quakers, or those in the opposition may have it in their power to throw the Ballance on which side they think best, and will consequently be counted by both, and may challenge better terms.—That there will be an opposition upon the Arrivall of the new Governor, I make not the least doubt from the knowledge I have of the temper and disposition of some of the Members. * * *

Your letter to the Presid^t I signed and delivered at Amboy upon reading it, he said he hoped we would continue to assist him as we had done M^r Hamilton, I told him M^r Hamiltons inability rendered it absolutely necessary that somebody should carry on a correspondence with the offices at home, but the case was now altered, However I assured him that neither you nor I should be wanting in affording him all the assistance in our power upon every Occasion.—

When it was concluded to call the Assembly and to press upon them this Matter of the Riots. The Presid^t Requested that M^r Cox yourself & I should prepare a speech for him against their Next meeting and desired we would mention it to you.

Inclosed I send you a letter from the Presid^t to the Lords of trade which you will please to read and forward. He would date it before the Riot at Amboy because he would not Mention it till he could send home the Representation proposed to be made at the next meeting.

¹ John Reading succeeding Mr. Hamilton, as the oldest Councillor.—Ed.

* * * My time will be so much taken up before the Court in preparing what is proper for the Grand Jury, and in writing some letters to England to go by a Ship from Philadelphia, that I shall hardly be able to apply my thoughts to the Presid^{ts} Speech and must therefore leave that matter to you.

I observe in Paris's letter of the 10th of February that he says Partridge drew up and presented to the Board of trade a Speciall memorial in favour of paper money. Partridge has mentioned this in one of his letters to the Late Presid^t and the thing is talked of pretty publicly, I got speak to Eaton upon it (who is one of the Committee of Correspondence) to know if any orders were given him for making such representation he declared there was not, and if he had taken upon him to ask such an Instruction as would give an unlimited lycence for passing of money bills he should be no longer their Agent, this, and the relation he stands in to the gov^t¹ will go nigh to throw him from that trust, and if it should I think we may easily put it into M^r Paris's hands, which if this take a bad turn will be of great use; I have not Appeared in this affair nor do I intend it, but think it may be managed by other Hands, it may not be amiss to hint this to M^r Paris, and desire him to send a copy of that speciall Memoriall.

* * * I am glad to hear the gout has left you and hope before the Court you will be able to walk without either crutch or cain.

I am D^r Sir Your Most

Faithfull Humble Serv^t

Rob^t H. Morris

¹ Richard Partridge was brother-in-law to Governor Belcher.—Ed.

I N D E X .

INDEX.

A.

- Alexander: James, 281, 294, 314-317, 329, 359, 360, 397.—Difficulties with Gov. Cosby and President Clarke, of New York, 71.—Irregular in his attendance upon the Council, 107.—A member for East Jersey, 109.—On North Partition point, 145.—Letters from, and R. H. Morris, about the affairs of the Province, 419, 446.—Letter to, from R. H. Morris, about affairs of the Province, 471.
- Allen: John. Recommended for the Council of West Jersey, 110.
- Anderson: Abraham, 416.
- Anderson: John, One of the rioters, 455.
- Antill: Edward, Recommended for the Council of East Jersey, 110.—Autograph of, 233.—Referred to, 237.
- Arents: Jacob, 308, 309.
- Ashfield: Richard, 318.—Recommended for the Council of East Jersey, 110.—Acting as such, 139.
- Assembly of New Jersey: Thank the King for giving them a Governor separate from New York, 58.—Differences between, and the Council, 62, 65.—Settled a support for three years on Gov. Morris, 68.—On appropriation for troops, 101.—Representation of, about manufacture of iron, 140.—Two acts submitted for the opinion of Francis Fane, 150.—To Gov. Morris, relative to the Militia, &c., 181, 189.—Dissolved by Gov. Morris, 190.—Proceedings relative to acts regulating fees, 239.—Minutes of October 3-18, 1745, 246.—On riots, 250.—Message to, from the Governor, 251.—Rights of, 321.—Petition to, from rioters, 348.—Extract from address of Governor to, 404.—Address of, to Governor, 405.—President Hamilton's address to, 436.—Message from, to President Hamilton, 438.

B.

- Bainbridge: John, One of the rioters, 453, 464.—Rescued, 466-469.
- Bainbridge: Edmond, One of the rioters, 455, 465.
- Baker: John, 208.—One of the rioters, 351.
- Baldwin: Amos, One of the rioters, 351.
- Baldwin: Caleb, One of the rioters, 351.
- Baldwin: David, One of the rioters, 351.
- Baldwin: Nathan, One of the rioters, 351.
- Baldwin: Nehemiah, One of the rioters, 351.
- Baldwin: Samuel, 346, 350, 361, 367.
- Ball: Aaron, One of the rioters, 351.
- Ball: Ezekiel, One of the rioters, 351.
- Ball: Nathaniel, One of the rioters, 351.
- Ball: Timothy, One of the rioters, 351.
- Balsey: Robert, 169.
- Bayard: John, 144.
- Baylies: John, 207.
- Baynton: Peter, Named for the Council, 107, 109.—Died, 237.
- Beacon: On Navesink Highlands, destroyed 378, 379.
- Beasley: Michael, Affidavit of, relative to Sloop Jan Megill, 388.
- Belcher: Jonathan, Appointed Governor, 363, 434.—Petition to the King about salary, 443.—Autograph, 445.—Petition for leave of absence, 449.—Answer to foregoing petition, 453.
- Benydick: Thomas, 207.
- Bergen: Riot in, 415.
- Bills of Credit: 62, 111-116, 122, 131, 223, 225, 360, 263, 361, 433.
- Bodine: George, Among the rioters, 456.
- Bonnell: Joshua, Vote on Militia Act, 202.
- Bonnell: Joseph, Speaker of House of Assembly, 59.
- Brainard: Rev. Mr., 406.
- Brief Vindication of the Purchasers, against the Proprietors, in a Christian manner, 266.
- Bristed [Breasted]: William, 429, 431.
- Brown, Jr.: John, One of the rioters, 351.
- Brown: Moses, One of the rioters, 351.
- Brown: Zebedee, One of the rioters, 351.
- Bunbridge, Jr.: John, One of the rioters, 455.
- Burlington: 260; Gov. Morris publishes his commission at, 57.—Described, 108.—Old papers found at 130.—Gov. Morris taken sick at, 257.
- Burnet: Gov. William, 71.
- Burwell [Burrell]: Theophilus, One of the rioters, 351, 455, 465, 467.

C.

- Camfield: Ephraim, One of the rioters, 351.
 Camp: Nathaniel, 346, 350, 361, 367, 396.—Letter to, from Elisha Parker, 392.
 Carkesse: Charles, Secretary to the Commissioners of the Customs, 406.
 Carteret: Gov. Philip, 209.
 Chapman: John, 147.
 Chew: Samuel, of Pennsylvania, excommunicated by the Quakers, 173.
 Cheeseman: William, Affidavit respecting riot at Perth Amboy, 465.
 Clarke: George, of New York, commented on, 65, 73, 76, 78, 218.
 Clawson: Thomas, 417.—One of the rioters, 455, 469.
 Clinton: Gov. George, of New York, on partition line, 162.—Alluded to, 218, 368, 370, 372, 377.—Letter to, from Capt. Joseph Espinoza, 380.—Letter from, to Col. Schuyler, about troops, 441, 448.—Autograph of, 442.—Letter from, to Duke of Newcastle, about troops, 451.
 Collinson: Peter, Correspondent of James Alexander, 71, 77.
 Colony: Annual produce of each, 87.
 Commissions: To Gov. Lewis Morris, 2.—Robert Hunter Morris, Lewis Johnson and Elisha Parker, 352.
 Condit [Condict, Conedit]: John, 294, 316, 346, 350, 361, 367.
 Condict: Jotham, One of the rioters, 351.
 Cook: Michael, 346, 350, 361, 367.
 Cook: William, Vote on Militia Act, 292.
 Cooper: Daniel, 426.
 Cooper: Joseph, Vote on Militia Act, 292.
 Cornelison: Garret, One of the rioters, 456.
 Cosby: William, Governor, comments on, 66, 71.
 Council of New Jersey: Thank the King for giving them a Governor separate from New York, 59.—Differences between, and the Assembly, 62, 65.—Four members suspended, 105, 106.—Reasons for rejecting several acts, 219.—Recommendations for, 232.—Oaths administered to President Hamilton, 367.—About expedition against the Indians, 369-371.—About embarkation of troops, 376.—Extract from message of the Governor relating to riots, 414.—Proceedings relative to troops, 424, 435.
 Cox: Daniel, One of Gov. Morris's pall bearers, 368.
 Cox: John, Acts as one of the Council, 139.—Recommended for the Council, 233.—Referred to, 467, 470, 472.
 Cranberry: Indians living near, 406.
 Craine: Azariah, One of the rioters, 351.
 Crane: Gamaliel, One of the rioters, 245.
 Crane: Job, One of the rioters, 245.
 Crane, Jr.: Daniel, One of the rioters, 351.
 Crane: William, One of the rioters, 245.
 Cross: John, Presbyterian minister, 429, 432.
 Crowell: Samuel, One of the rioters, 245.
 Currency: Questions of, considered, 51, 62, 78, 82, 91, 111, 132, 134.

D.

- Dagworthy: Capt. John, Number of men in his company, 425.
 Dalrimple: Joseph, 427.
 Davis, Jr.: Jonathan, One of the rioters, 351.
 Davis: Solomon, 165.
 Davis: Nathaniel, Called Captain of the rioters, 431, 432.
 Day: Amos, One of the rioters, 351.
 Day: Thomas, One of the rioters, 351.
 Day, Jr.: Thomas, One of the rioters, 351.
 Day: Paul, One of the rioters, 351.
 Deare: John, Letter from, to Chief Justice Morris, about riot at Perth Amboy, 463.—High Sheriff of Middlesex, 465.
 Deare: William, Affidavit about riot at Perth Amboy, 467.
 Dehart: Cornelius, One of the rioters, 458, 465.
 DeKey: Thomas, 149.
 DeLancy: James, 149, 169.
 Demarest: David, Vote on Militia Act, 202.
 Denton: Daniel, 207.
 Denton: Nathan, 207.
 Dewitt: Barent, One of the rioters, 455, 465.
 Dinwiddie: Robert, On the trade of the British Empire, 83.
 Dockwra: William, 428, 431.
 Dod: John, One of the rioters, 351.
 Dunster: Dan. Donaldson, Acting as one of the Council, 139.

E.

- Easom: John, Affidavit respecting Sloop St. Megill, 390.
 Eaton: John, Vote on Militia Act, 202.—Prepares a draft of a message to the Governor, 246.
 Elizabethtown: Inhabitants of, petition to Council about their controversies with the Proprietors, 205.
 Espinoza: Capt. Joseph, Complaints of Imprisonment, &c., 380-388.
 Everson: Nicholas, Affidavit of, respecting riot in Perth Amboy, 465.

F.

- Farmar: Thomas, Votes on Militia Act, 202, 203.
 Farrand: Ebenezer, One of the rioters, 245.
 Fees: Acts relating to, 238.
 Fitz Randolph: Richard, Affidavit about riot at Perth Amboy, 466.
 Flags: borne by ships having private commissions, 128.
 Foster: John, 207.
 Fraser: William, Collector of Customs at Salem, 98.
 French: Philip, One of Gov. Morris's pall bearers, 368.

G.

- Gage: Thomas, Affidavit respecting riot at Perth Amboy, 468.
 Gardner: Thomas, One of the rioters, 245.
 Garner: Joseph, One of the rioters, 351.
 Glass Manufacture: In New Jersey, 98.
 Grants: Early, referred to, 337.

H.

- Hamilton: John, Speaker of the Council, 59.—Differences with Gov. Morris about salary, 69.—One of the Council from East Jersey, 109.—Autograph, 145.—On Gov. Morris' claim for a special salary, 151.—Letters to, from Lords of Trade, respecting Gov. Morris' salary, 153, 172.—Instructions of, to John Lawrence, about running the partition line, 154.—Commission to, on East and West Jersey line, 352.—Sworn into office as successor to Gov. Morris, 368.—Notifies Council of New York of destruction of beacon on Highlands of Neversink, 379.—Referred to, 414, 419.—Address to Assembly relative to the troops, &c., 436.—Answer of Assembly to foregoing, 439.—Letter to Colonel Schuyler, 447.—His death announced to the Lords of Trade, 462.
 Hampton: James, 471.
 Hancock: William, Vote on Militia bill, 202.
 Harison: John, 147.—One of the rioters, 351.
 Harrison: Amos, One of the rioters, 351.
 Harrison: Daniel, 149, 402.
 Harrison: John, Commissioned to run partition line, 352.
 Harison: John, 147.—One of the rioters, 351.
 Harrison: Samuel, 346, 350, 261, 367.
 Hart: Edward, Raising troops for Canada expedition, 371, 372.—Cannot longer support them himself, 373.
 Hartshorne: Robert, In charge of beacon on Neversink Highlands, 374.
 Hegemen, Jr.: Dollings, One of the rioters, 455, 465.
 Hoghtelen: Johannes, 167.
 Hogelandt: Henry, One of the rioters, 456, 465, 469.
 Home: Archibald, Recommended for the Council, 109.—Appointed, 127.—Dies, 237.
 Hood: Clawson, 417.
 Hooper: Robert Lettice, 109, 127.
 Hopper: George [Bodine], One of the rioters, 456, 465.
 Hopper: John, One of the rioters, 465.
 Hude: James, Recommended for the Council, 233.—Autograph, 233, 237.—Pall-bearer to Gov. Morris, 368.
 Hude: Robert, Affidavit of, respecting riot at Perth Amboy, 465.
 Hunter: Gov. Robert, 71.

- Ike: Philip, One of the rioters, 465.
 Indians: Near Cranberry, 406.
 Indian Grants: Referred to, 339, 341.
 Instructions: To Gov. Lewis Morris, 13.—
 To the Governors of Plantations, relative to foreign coins, 94.
 Iron: Manufacture of, Representation respecting, 140.

J.

- Jacobus: Hendrick, One of the rioters, 245.
 Jarratt: Allane, Surveyor of New York, 146, 170.
 Jenkins: Griffin, Author of a Brief Vindication, &c., 288, 297, 311, 320.
 Jeffries [Jefferies]: Edward, 415.
 Jeffries [Jeffers]: John, One of the rioters, 455, 465.
 Johnson: Major, 402.
 Johnson: Cornelius, One of the rioters, 455, 465.
 Johnston: Andrew, Succeeds Archibald Home in the Council, 128.—Speaker of the Assembly, autograph, 142.—Instructions to John Lawrence about running the partition line between East and West Jersey, 154.—Recommended for the Council, 233, 237.—Autograph, 233.—Pall-bearer to Gov. Morris, 368.—Referred to, 473.

K

- Kearny: Philip, Pall-bearer to Gov. Morris, 368.
 Keith: George, 155, 156.
 Kelly: Andrew, Affidavit about riot at Perth Amboy, 468.
 Kemble: Peter, Recommended for the Council, 233, 238.
 Kent: Ely, One of the rioters, 351.

L.

- Lamson: Eleazar, One of the rioters, 245.
 Lamson: Thomas, One of the rioters, 351.
 Lawrence: John, Instructions to, about running the partition line between East and West Jersey, 154.
 Lawrence: Joseph, One of the rioters, 245.
 Lawrence: Robert, Vote on Militia Act, 202.
 Leaming: Aaron, Votes on Militia Act, 202, 203.
 Leonard: Capt. Henry, One of the rioters, 425.
 Leonard: Nathaniel, In charge of beacon in Neversink Highlands, 374.
 Leonard: Samuel, Acting as one of the Council, 139.—Votes on Militia Act, 202, 203.
 Leonard: Thomas, Recommended for the Council, 233, 238.—Pall-bearer of Gov. Morris, 368.
 Line: Partition, Between New York and New Jersey, 138, 144.—North partition point in, 145.—Instructions to John Lawrence respecting line between East and West Jersey, 154.—Report of Chief Justice Morris respecting, 168.—Memorial of Proprietors for running East and West Jersey line *ex parte*, 216.—Between East and West Jersey, 352.
 Lindsley: Ebenezer, One of the rioters, 351.
 Lindsley: Josiah, One of the rioters, 351.
 Little: John, 373.
 Low: John, 294, 316, 367, 408.
 Lyell: David, On East and West Jersey line, 352.
 Lyell: Fenwick, Member of the Council for East Jersey, 109.—Dies, 237.
 Lyndsley: Elisha, One of the rioters, 351.
 Lyon: Isaac, 402.

M.

- Martin: Sarah, Affidavit of, respecting riot at Perth Amboy, 469.
 Matthews: Capt. Vincent, 166.
 McEvers: John, 169, 170, 171.
 McConnell: Thomas, 430.
 Miaker [Meeker]: Timothy, One of the rioters, 307.
 Mickle: John, Vote on Militia Act, 202.
 Middlesex County: Rioters in, 455.—Grand Jury of, charged by Judge Nevill, 456.
 Miller: Thomas, 429, 430.
 Militia: Different condition of, in East and West Jersey, 105.—Gov. Morris on, 178, 179, 183, 198, 237, 265.—Abstract of bill settling the, 191, 407.—Comments of Assembly on, 249.
 Minisink Island: 163, 165, 170.
 Monmouth: Watches on coast of, 373.—Beacon destroyed, 378.
 Montgomerie: Gov. John, 71.
 Morris: Lewis, Commissioned as Governor, 1, 2.—Instructions to, 13.—Publishes his commission, 56, 57.—Autograph, 57.—Letter from, to Sir Charles Wager, 60.—Comments on the people and the Legislature, 61.—Assembly grant him a support for three years, 68.—Differences with John Hamilton about salary, 69.—On the raising of troops in New Jersey, 99, 101, 102.—Proclamation about currency of foreign coins, 117.—On New Jersey affairs, 130.—Petition to, about the partition line, 138, 139, 144.—Claim of, for special salary, 151, 172.—To Gov. Clinton, of New York, about partition line, 162.—Speeches to the Legislature, 178.—Dissolves the Assembly, 190.—Observations on Militia Act, 198.—Petition to, from the East Jersey Proprietors, to run the partition line *ex parte*, 216.—Representation to, from the Council, with reasons for repealing several acts, 219.—Certificate of, relative to the surrender of the Proprietors, 234.—Message to, from General Assembly, 246.—Message to the Assembly, 251.—Taken sick in Burlington, 257.—Referred to, 363.—Dies, 365, 414.
 Morris, Jr.: Lewis, 169.
 Morris: Robert Hunter, Chief Justice, 236.—Report to the Proprietors about northern boundary, 168.—Referred to, 294, 315-317, 329, 333, 359, 360.—Commission to run line between East and West Jersey, 352.—Letter to James Alexander about New Jersey affairs, 421.—Dies (1764), 324.
 Mott: Gershom, 154.
 Mott: William, Vote on Militia act, 202.
 Murray: Joseph, 333, 396.

N.

- Nevill: Samuel, Judge, Acting as one of the Council, 139.—Autograph, 323.—Votes on Militia Act, 202, 203.—Speech in Assembly in answer to the rioters' petitions, 323.—Referred to, 409, 417, 468-470, 472.—Charge to Grand Jury, 456.
 Nevill: Thomas, Affidavit respecting riots at Perth Amboy, 465.
 Neversink: Beacon in the Highlands of, 373.
 Newark: Riots in, 251, 292, 297, 321, 336, 348, 399, 411, 417.
 New Jersey: Trade of, 425.—Population of, 342.
 Nichols: Gov. Richard, 208.

O.

- Ogden: David, 293, 294, 314, 315, 328, 334, 346, 349, 359, 393, 395, 396, 412.—Transmits affidavits relative to riots, 426.—Autograph, 427.
 Ogden: John, 208.
 Ogden: Samuel, One of the rioters, 351.

P.

- Pacheco: Rodrigo, Correspondent of James Alexander, 77.—Memorial of, to the Lords of Trade about purchasing lands from Indians, 442.
- Paper Money: 51, 62, 111.
- Paris: Ferdinand John, Letter from, to James Alexander, 422.—Notice of, and autograph, 424.—Referred to, 474.
- Parker: Elisha, 356, 361.—Commissioned to run line between East and West Jersey, 352.—Letter to, from Committee of Rioters, 392.—Affidavit of, relative to proceedings of rioters, 395.—Autograph, 397.—Notice of, 397.—Referred to, 413.
- Parker: Capt. James, Number of men in his company, 425.
- Parker: James, Publisher of The New American Magazine, 324.
- Parkens: Samuel, One of the rioters, 357.
- Partridge: Richard, On the paper currency of America, 91.—Memorial of, to Lords of Trade, about purchasing lands from Indians, 142.—Order of Council upon petition of, relative to bills of credit, 361.—Petition of, 362.—Autograph, 365.—Petition of, about bills of credit, 433.—Referred to, 474.
- Pearson: Isaac, Vote on Militia Act, 202.
- Pennsylvania: Excommunication of a Quaker Chief Justice, 173.
- Penn: William, 281, 299.
- Perth Amboy: Gov. Morris publishes his commission at, 57.—A poor, considerable place, 108.—Alluded to, 130, 131, 166, 260, 261.—Riot at, 463.—Affidavits relating to riots at, 463.
- Perry: Benjamin, One of the rioters, 351.
- Pierce: Capt. Vincent, Son-in-law of Gov. Morris, 60.
- Pierson: Joseph, One of the rioters, 245.
- Pierson (Person): Jonathan, 346, 350, 361, 367.
- Pierson: Benjamin, One of the rioters, 351.
- Population: Of the different colonies, 89.—Of New Jersey, 242.
- Price: Samuel, One of the rioters, 455.
- Proprietors of East Jersey: Publication of, respecting the riots, 297.—Answer of, to a petition of rioters, 353.—Notice to, from Committee of Rioters, 365.
- Provoost: —, Discharged from the Council, 202.

Q.

- Quakers: Opposed to the Council, 65.—Render it difficult to raise troops in West Jersey, 104.

R.

- Read: Charles, Pall-bearer to Gov. Morris, 368.
- Reading: John, Member of the Council from West Jersey, 109.—Speaker of Council, autograph, 143, 463.—Letter to the Lords of Trade on death of President Hamilton, 462.
- Redford: Major John, of Monmouth, 373.
- Rickie [Richie]: Israel, One of the rioters, 465.
- Rickie [Richie]: John, One of the rioters, 465.
- Riot at Perth Amboy: 463, 465.
- Riots at Newark: 251, 297.—State of facts respecting, 397.
- Rioters: List of, in Essex County, 245.—Committee from, 292.—Petition from, to House of Assembly, 348.—Answer of Proprietors to, 353.—Letter to, from East Jersey Proprietors, 392.—Their publication in New York Post-boy, 404.—Affidavits respecting, 427.—In Somerset and Middlesex Counties, 453.
- Riskies: John, One of the rioters, 465.
- Ritger: Abraham, One of the rioters, 245.
- Roberts: Amos, One of the rioters, 351, 403, 404, 455, 465.
- Rodman: John, A member of the Council from West Jersey, 109.
- Rutherford: John, 397.
- Rutherford: Walter, 397.
- Ryerson: Martin, 154, 158.

S.

- Salem: Manufacture of glass at, 98.
- Saltar: Richard, In charge of beacon on Neversink Highlands, 374.
- Sargeant: Thomas, One of the rioters, 245, 401.
- Schuyler: John, Discharged from the Council at his own request, 105, 237.
- Schuyler: Peter, Appointed Colonel of forces in Canada, 378.—Number of men in his company, 424.—Letter to, from Gov. Clinton, 441.—Letter to, from President Hamilton, 447.—Referred to, 451.
- Schermerhorn [Skermmerhorne]: John, One of the rioters, 455, 465.
- Scovenoven: Isaac, 167.
- Shinn: Thomas, Vote on Militia Act, 202.
- Shipman: Jacob, One of the rioters, 455, 465.
- Shirley: Governor, 268.
- Slaves: Number of, in the different colonies, 90.—Bill for larger duty on, rejected by the Council, 222.
- Smith: James, Affidavit of, respecting riot at Perth Amboy, 465.
- Smith: William, 169, 393, 396.
- Smith: Richard, A member of the Council from West Jersey, 109.—Vote on Militia Act, 202.
- Smyth: Lawrence, Clerk of East Jersey Proprietors' Council, 309.

Sonmans: Peter, Wife of, 323.
 Somerset Jail: Broken open, 417.
 Somerset County: Rioters in, 455.
 Spicer: Francis, 315.
 Squire: Jonathan, One of the rioters, 245.
 Staer: Mahlon, Acting as one of the Council, 133.
 St. Megill: Sloop captured, 380-392.

Stelle: John, Affidavit respecting riot at Perth Amboy, 465.
 Stevens: Capt. Campbell, Number of men in his company, 428.
 Stivers: Samuel, One of the rioters, 245.
 Surrender of the Government in 1702: 283.

T.

Taylor, Jr.: David, One of the rioters, 351.
 Thomlinson: Capt. John, On paper money in America, 111.
 Thompson: James, Affidavit of, about riot at Perth Amboy, 463, 468.

Timber: Bill for the preservation of, rejected, 225.
 Tompkins: John, One of the rioters, 245.
 Trenton: Alluded to, 261, 262.
 Troop: Raising of, in New Jersey, 99, 419.

V.

Vanaken: Abraham, Petition of, about disturbances on northern boundary, 163, 167-168, 218.
 Van Buskerk: Lawrence, Vote on Militia Act, 202.
 Van Dam: Rip, 73, 74.
 Van Gesin: Isaac, 293, 394, 311, 351.
 Van Horne: Cornelius, Discharged from the Council at his own request, 105, 237.
 Van Middleswart: John, Vote on Militia Act, 202.
 Van Veghten: Dirick, Vote on Militia Act, 202.

Van Winkle: Abraham, One of the rioters, 456, 465.
 Van Winkle: Johannes, One of the rioters, 245.
 Vincent: John, One of the rioters, 245.
 Vincent, Jr.: Levi, One of the rioters, 246.
 Vincent: Levines, One of the rioters, 351.
 "Vindication of the Purchasers against the Proprietors in a Christian manner," 266.
 Vessels: Number of, trading with the Colonies, 81, 85.
 Vreeland: George, Vote on Militia Act, 202.
 Vreelandt: Michael, 346, 367.

W.

Wager: Sir Charles, Notice of, 60, 77.
 Wall: Jarret, Affidavit about riot at Perth Amboy, 467.
 Ward: Abell, One of the rioters, 351.
 Ward: Caleb, One of the rioters, 351.
 Ward: Robert, One of the rioters, 245.
 Ward: Elisha, One of the rioters, 245.
 Ware: Capt. Thomas, Number of men in his company, 425.
 Warrell: Joseph, 166.
 Watson: Luke, 207.
 Westbrook: Johannes, 166, 167.
 Westphale: Immen, Petition of, about disturbances on northern boundary, 163, 167, 188, 215.
 Wells: John, One of the rioters, 301.

Wheeler: Nathaniel, 346, 350, 361, 367.
 Wileman: Henry, 145.
 Wills (Wells): John, Discharged from the Council at his own request, 106, 237.
 Williams: Joseph, One of the rioters, 351.
 Williams: Daniel, One of the rioters, 245.
 Williamson: Wilham, One of the rioters, 245.
 Willocks: George, Connected with East and West Jersey line, 352.
 Willocks: John, Vote on Militia Act, 202.
 Wispar: Caspar, Interested in the manufacture of glass at Salem, 18.
 Woodruff: Joseph, 218.
 Wyckoff: Simon (Simeon), One of the rioters, 455, 465, 469.

Y.

Young: Robert, One of the rioters, 245, 401.- Young: Stephen, One of the rioters, 245



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